1; Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

extensive, have been the social changes which have resulted from this disturbance of the oecological equilibrium. Since bride-wealth consists of cattle there must have been for a time considerable dislocation of marriage arrangements, but stability has been reached to-day by lowering the number of cattle which have to be paid. A like assessment on a new footing does not seem to have been achieved in homicide negotiations, in which there is not the same goodwill between the parties as in marriage, and blood-wealth appears to have been claimed up to the present time at the old rate of payment, though Nuer recognise that bride-wealth and blood-wealth should rise and fall together. One cannot make any precise statement on the matter, but it is likely that feuds were less easily concluded than before and that consequently tribal relations were affected. It may also be supposed that decrease in stock has led to a general deterioration of the standard of living, for climatic conditions do not allow adequate compensation by expending further labour on horticulture. No doubt Nuer grew more millet than before, but they must have suffered a decrease in their total food-supply and, above all, in security. It will be seen in a later section that Nuer can no more exist on a purely horticultural economy than they can, at any rate since the introduction of rinderpest, exist on a purely pastoral economy. They must have a mixed economy and can compensate on one side or the other only to a very limited degree. Nuer sought to repair their losses rather by extensive raiding of their Dinka neighbours, passing on to them their own losses in stock. We know that Nuer raided Dinka before rinderpest entered the country, but it is likely that their foreign relations have been affected by the greater stimulus to aggression. Other probable effects could be noted, especially in kinship relations, but one can only guess their importance, so we confine our speculations to a few of those that may be supposed to have occurred in Nuer economy and political life.

V

It was noted in Chapter I that to exist Nuer have to make use of a mixed economy, since their herds do not supply them with adequate nourishment. It will be seen in a later section that their millet harvest is often meagre and uncertain. Fish,

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

619 721 were engaged in hostilities each could rely on the support of the other sections of the same tribe; but, in practice, they would often only join in if the other side was receiving assistance from neighbouring sections. When a tribe united for warfare there was a truce to disputes within its borders.

Tribes, especially the smaller ones, often united to raid foreigners. The Leek united with the Jagei and Western Jikany, and the Lou with the Gaawar to attack the Dinka; the Lou with the Eastern Jikany tribes to attack the Anuak; and so on. These military alliances between tribes, often under the aegis of a Sky-god, speaking through his prophet (p. 188), were of short duration, there was no moral obligation to form them, and, though action was concerted, each tribe fought separately under its own leaders and lived in separate camps in enemy country.

619 726 628 Fighting between Nuer of different tribes was of a different character from fighting between Nuer and Dinka. Inter-tribal fighting was considered fiercer and more perilous, but it was subject to certain conventions: women and children were not molested, huts and byres were not destroyed, and captives were not taken. Also, other Nuer were not considered natural prey, as were the Dinka.

619 681 Another defining characteristic of a tribe is that within it there is *cut*, blood-wealth pair in compensation for homicide, and Nuer explain the tribal value in terms of it. Thus Lou tribesmen say that among themselves there is blood-wealth, but not between themselves and the Gaajok or the Gaawar; and this is the invariable definition of tribal allegiance in every part of Nuerland. Between tribesmen there is also *ruok*, compensation for torts other than homicide, though the obligation to pay it is less generally stressed or carried out, while between one tribe and another no such obligation is acknowledged. We may therefore say that there is law, in the limited and relative sense defined in Chapter IV, between tribesmen, but no law between tribes. If a man commits an offence against a fellow tribesman he places himself and his kin in a legal position towards this man and his kin, and the hostile relations that ensue can be broken down by payment of cattle. If a man commits the same act against a man of another tribe no breach of law is recognized, no obligation is felt to settle the dispute, and there is no

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

It will have been observed that I have not attempted to list all the sections of each tribe, but have merely tried to indicate the mode of segmentation so that the relation between tribal divisions and lineages may be more clearly understood in the following chapter.

II

Segments of a tribe have many of the characteristics of the tribe itself. Each has its distinctive name, its common sentiment, and its unique territory. Usually one section is clearly divided from another by a wide stretch of bush or by a river. Segments of the same tribe also tend to turn in different directions for their dry season pastures, as is shown on the sketch-maps on pp. 56, 58, and 60, so that the spatial divisions of the rains are maintained, and may be accentuated during the drought, though, as we have pointed out, in the larger tribes to the east of the Nile severity of natural conditions may also produce closer interrelations than in the smaller tribes to the west.

The smaller the tribal segment the more compact its territory, the more contiguous its members, the more varied and more intimate their general social ties, and the stronger therefore its sentiment of unity. As we shall see, a tribal segment is crystallized around a lineage of the dominant clan of the tribe and the smaller the segment the closer the genealogical relationship between members of this clan fragment. Also the smaller the segment the more the age-set system determines behaviour and produces corporate action within it. Political cohesion thus not only varies with variations of political distance but is also a function of structural distance of other kinds.

Each segment is itself segmented and there is opposition between its parts. The members of any segment unite for war against adjacent segments of the same order and unite with these adjacent segments against larger sections. Nuer themselves state this structural principle clearly in the expression of their political values. Thus they say that if the Leng tertiary section of the Lou tribe fights the Nyarkwac tertiary section—and, in fact, there has been a long feud between them—the villages which compose each section will combine to fight; but

[See cat. 116 — Analyst]

1: Evans-Pritchard E-S (1931, 1936) 1940
FJ22 Nuer FJ22

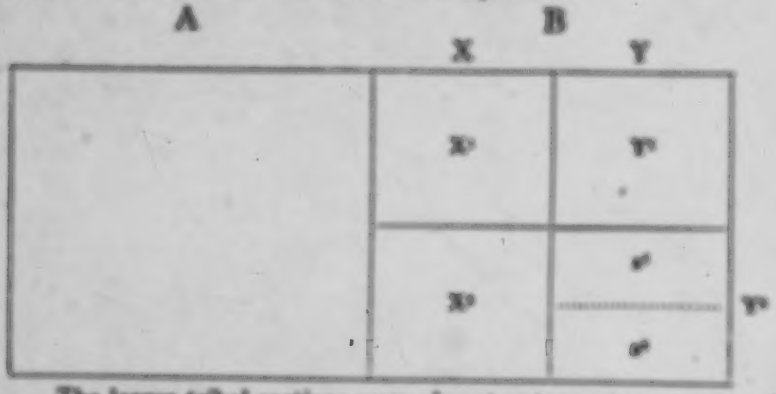
if there is a quarrel between the Nyarkwac tertiary section and the Rumjok secondary section, as has occurred recently over water rights at Fading, Leng and Nyarkwac will unite against their common enemy Rumjok which, in its turn, forms a coalition of the various segments into which it is divided. If there is a fight between the Mor and the Gun primary sections, Rumjok and Gaatbal will unite against the combined Mor sections: Gaaliek, Jimac, and Jaajoah. If there is fighting against the Gaajok or the Gaawar the primary sections, Gun and Mor, will, at any rate in theory, combine and a united Lou tribe will take the field, since both sections belong to the same political group and since their dominant lineages belong to the same clan. Certainly they used to unite in raids on the Dinka.

Among the Eastern Gaajok, Minyal, Wang, and Nyathol sections combine against Yol. Also Thiur, Dwong, and Kwith sections unite for war. These fights between tribal sections and the feuds that result from them, though based on a territorial principle, are often represented in terms of lineages, since there is a close relation between territorial segments and lineage segments, and Nuer habitually express social obligations in a kinship idiom. Thus in telling me that Wangkac and Yol would unite for war against any other section Nuer stated the proposition by saying that the WANGKAC and YOL lineages, which are the dominant lineages in these sections, would unite because their ancestors were sons of the same mother. We shall see in Chapter V that Nuer generally speak in such terms.

This principle of segmentation and the opposition between segments is the same in every section of a tribe and extends beyond the tribe to relations between tribes, especially among the smaller Western Nuer tribes, which coalesce more easily and frequently in raiding the Dinka and in fighting one another than the larger tribes to the east of the Nile. Thus a man of the Fadang section of the Bor tribe exemplified it when he told me, 'We fight against the Rengyan, but when either of us is fighting a third party we combine with them'. It can be stated in hypothetical terms by the Nuer themselves and can best be represented in this way. In the diagram on p. 144, when Z^1 fights Z^2 no other section is involved. When Z^1 fights Y^1, Z^1 and Z^2 unite as Y^2. When Y^1 fights X^1, Y^1 and Y^2 unite, and so do X^1

1: Evans-Pritchard E-S (1931, 1936) 1940
FJ22 Nuer FJ22

and X^1. When X^1 fights A, X^1, X^2, Y^1, and Y^2 all unite as B. When A raids the Dinka A and B may unite.



The larger tribal sections were almost autonomous groups and acted as such in their enmities and alliances. At one time they would be fighting among themselves and at another would be combining against a third party. These combinations were not always as regular and simple as they were explained to me and as I have stated them. I give a few examples of fighting between tribal sections. One of the worst wars in Nuer history occurred in the last generation between the Gun and the Mor moieties of the Lou tribe. It was known as *kar luay yak*, the war of letting loose the hyena, because so many people were killed that the dead were left for the hyenas to eat. It is said that in this struggle men displayed unusual ferocity, even cutting off arms to seize quickly ivory armlets. There was a lengthy, and more recent, feud between the Leng and the Nyarkwac tertiary sections of the Lou tribe which has continued up to the present. It sprang out of an earlier fight between Thiang and Yol which once formed sub-sections of the Nyarkwac. The ancestors of the dominant lineages in the Leng and Yol divisions were brothers, whereas the ancestor of the dominant lineage of the Thiang division stood to these brothers in the relationship of sister's son. For a long while Yol and Thiang lived peaceably together, but some thirty years ago a fight broke out between them, and Thiang, defeated, fled to seek protection among the Leng section. The Yol sent messages to the Leng telling them that they were not to receive their enemies or give them asylum. The Leng replied that the ancestor of the LENG lineage was the maternal uncle of the ancestor of the THIANG lineage and that they could not refuse asylum to their sisters' sons. This attitude involved Yol (Nyarkwac) in a second war, this time against a combination of Leng and Thiang. Other recent Lou feuds were between the

1: Evans-Pritchard E-S (1931, 1936) 1940
FJ22 Nuer. FJ22

Pakir and Nyajikany divisions of the Rumjok secondary section and between various local communities of the Mor primary section, particularly between two divisions of the Jimac secondary section. 619 628

In Eastern Gaajok country the Yol primary section joined the Gaagwang tribe, who seem to have identified themselves so much with the Gaajok tribe that we may almost speak of them, as we can to the west of the Nile, as a single tribe separated from the Gaajak by the wide Macar swamps, against several, if not all, sections of the Gaajak tribe. Yol fought Nyuyan while Gaagwang fought Rong and Kang. About half a century ago the Laang and Wangkac primary sections of the Gaajok tribe were involved in a long feud and there was also warfare between the Yol and Wangkac sections in which Yol, assisted by their allies the Gaagwang tribe, were victorious; the Wangkac being so heavily defeated that they moved southwards to the banks of the Pibor river. Here, they say, they were attacked by *Turuk* (Arabs of some kind) and moved north again to the site of their old homes. They were too exhausted to resume their feud with the Yol section. In spite of these internal feuds, if any section of the Gaajok tribe is engaged in warfare with the Lou tribe all its sections will come to assist the threatened section if it is not strong enough to resist whatever section of the Lou is opposed to it. There have also been feuds between the Eastern Gaajak sections, *e.g.* between Thiang and Rong. When two tribes fight, other tribes remain neutral, and if two sections of a tribe are at war with one another the other sections of each may leave them to fight it out if they are well matched and do not appeal for assistance. Some of Miss Soule's informants pointed out that when there was trouble a few years ago between the Yol section of the Gaajok tribe and the Lony section of the Gaajak tribe they were strong enough to fight their own battle, but had Lony not been strong enough to fight single-handed then the Kaang and Tar, and possibly other, sections of the Gaajak would have come to its assistance, in which case the Gaajok sections would have joined Yol. They also pointed out that at present there is trouble between the Luluaa section and the Wang section. There is also trouble between various sections of Wangkac. If Luluaa and Wang begin to fight then the Wangkac sections will compose their differences and join Luluaa.

In accordance with the general tendency to the west of the Nile the Western Gaajok and Gaajak tribes are not only smaller but less united than the Eastern Gaajok and Gaajak. Both, on the Bahr-el-Ghazal, had frequent and bitter internal feuds. There was a fierce battle between the Gai division of the Gaagwong primary section and two other divisions of the same section, the Kwoth and the

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

619 Bor, whose dominant lineages spring from one mother. The Kwoth and Bor divisions were defeated and migrated southwards to settle at Kwac in Rengyan country. The same Gai division also had a feud with the Reng primary division, after which it moved into Karlual country. There were numerous other feuds in the Gaajak tribe. The Gaajok tribe once lived entirely on the left bank of the Bahr-el-Ghazal and their present extension on the right bank is a consequence of migration following feuds.

The Leek tribe once all lived on the right bank of the Bahr-el-Ghazal. Here two of its primary sections, Cuaagh and Deng who lived to the west of the Gany river, fought the third primary section, the Keunyang (Karlual), who lived to the east of that river, and being defeated crossed the Bahr-el-Ghazal and settled on its left bank. The story is that some aristocrats of the Nyapir section and some aristocrats of the Nyawah section used offensive expressions in songs about one another. These songs led to fighting between the young men, one of whom on each side was killed. There was further fighting in consequence, and finally Deng and Cuaagh crossed the river. In the following year they recrossed the Bahr-el-Ghazal to camp in the dry season on the right bank and on their return to their villages they drove before them herds belonging to Keunyang. Six of their girls came back to collect their dairy vessels which they had left in a camp hut and were waylaid and killed by some Keunyang men. This act was considered a serious breach of the rules of war, for the Nuer do not kill their own womenfolk. Because of it the Deng uttered a curse, according to which it is forbidden to an aristocrat of Keunyang who crosses the Bahr-el-Ghazal and settles among the Deng or Cuaagh, and also to an aristocrat of Deng or Cuaagh who moves southwards and settles among the Keunyang, to build a cattle-byre in the usual manner. The curse also causes an aristocrat who thus changes his residence to beget only boys for his first few children because of the slain girls. When the Government raided Karlual (Keunyang) country many Keunyang aristocrats crossed the river to live in Deng and Cuaagh country. At the present day many Deng and Cuaagh spend the dry season in Keunyang country because their own country is not rich in good pasture grasses but consists mainly of marsh grasses which are not so nourishing.

Within each of these primary sections there were constant feuds. Thus in Karlual country, Riaagh, Gom, Jiom, Nyaagh, Jikul, and Ngwol sections have been frequently at feud with one another. It would be tedious to recount the occasions and outcome of these petty feuds. I want only to make it clear that the villages occupied

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

by these minor sections, Tutgar (Ngwol), Nyang (Riaagh), Nyueny (Juak), Kol (Jikul), &c., are only a few miles from their nearest neighbours, all of them being contained in a radius of five miles. It is between villages and tertiary tribal sections that fights most frequently take place and feuds develop.

I could give many more examples of feuds, but to no purpose, for those I have cited amply illustrate the lack of political control in Nuer tribes. We may conclude that a man's tribe only claims his allegiance in intertribal fighting and in wars against the Dinka. In normal times a man thinks and acts as a member of very much smaller local groups with the members of which he has manifold contacts.

III

We may use the diagram on p. 144 to emphasize the principle of contradiction in political structure. A member of Z^3 tertiary section of tribe B sees himself as a member of Z^3 in relation to Z^2, and all other members of Z^3 see themselves as members of that group in relation to Z^2 and are so regarded by members of Z^2. But he regards himself as a member of Y^2 and not of Z^3 in relation to Y^2 and is so regarded by members of Y^2. Likewise he regards himself as a member of Y and not of Y^2 in relation to X, and as a member of the tribe B, and not of its primary section Y, in relation to tribe A. Any segment sees itself as an independent unit in relation to another segment of the same section, but sees both segments as a unity in relation to another section; and a section which from the point of view of its members comprises opposed segments is seen by members of other sections as an unsegmented unit. Thus there is, as we have pointed out earlier, always contradiction in the definition of a political group, for it is a group only in relation to other groups. A tribal segment is a political group in relation to other segments of the same kind and they jointly form a tribe only in relation to other Nuer tribes and adjacent foreign tribes which form part of the same political system, and without these relations very little meaning can be attached to the concepts of tribal segment and tribe. We make here the same point as we made in discussing the word *cieng*[1] that political values are relative and that the political system is an equilibrium

[1] [See pp. 135-137, cat. 116. — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

619 opposition between two groups than between the segments of either and that the segments are held together, as it were, by this external pressure, but we cannot admit that this view accords with the facts, because greater hostility appears to be felt between villages, groups of villages, and tertiary tribal sections than between larger tribal sections and between tribes. Probably the raids conducted tribally and in tribal federation against the Dinka had an integrating action, but the Dinka were not aggressive against the Nuer and it seems that the maintenance of tribal structure must rather be attributed to opposition between its minor segments than to any outside pressure. If this be so, and a consideration of the institution of the feud suggests that it is so, we arrive at the conclusion that the more multiple and frequent the contacts between members of a segment the more intense the opposition between its parts. However paradoxical this conclusion may at first seem we are led to it both by observation and by reflection on what constitutes a segmentary system.

IV

628 We have used the term 'feud' in the last section in the sense of lengthy mutual hostility between local communities within a tribe. This broad and slightly vague usage seems justified by convention and also, as we shall show, because, although responsibility for homicide and the duty of exacting vengeance directly fall only on the close agnatic kin of slayer and slain, the communities to which the two parties belong are, in one way or another, involved in the hostility that ensues and, often enough, in any fighting that may result from the dispute. Strictly, however, the word might be considered more appropriately used to describe the relations between the kin on both sides in a situation of homicide, for it then refers to a specific institution. We sometimes, therefore, speak of the 'blood-feud' to emphasize this restricted and more clearly defined meaning.

Blood-feuds are a tribal institution, for they can only occur where a breach of law is recognized since they are the way in which reparation is obtained. Fear of incurring a blood-feud is, in fact, the most important legal sanction within a tribe and the main guarantee of an individual's life and property. If a com-

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

munity of one tribe attempts to avenge a homicide on a community of another tribe a state of intertribal war, rather than a state of feud, ensues, and there is no way of settling the dispute by arbitration.

As Nuer are very prone to fighting, people are frequently killed. Indeed it is rare that one sees a senior man who does not show marks of club or spear. A Nuer gave me the following causes of fighting: a dispute about a cow; a cow or goat eats a man's millet and he strikes it; a man strikes another's little son; adultery; watering rights in the dry season; pasturage rights; a man borrows an object, particularly a dance ornament, without asking its owner's permission. A Nuer will at once fight if he considers that he has been insulted, and they are very sensitive and easily take offence. When a man feels that he has suffered an injury there is no authority to whom he can make a complaint and from whom he can obtain redress, so he at once challenges the man who has wronged him to a duel and the challenge must be accepted. There is no other way of settling a dispute and a man's courage is his only immediate protection against aggression. Only when kinship or age-set status inhibits an appeal to arms does a Nuer hesitate to utter a challenge, for it does not occur to him to ask advice first, and no one would listen to unsolicited advice. From their earliest years children are encouraged by their elders to settle all disputes by fighting, and they grow up to regard skill in fighting the most necessary accomplishment and courage the highest virtue.

Boys fight with spiked bracelets. Men of the same village or camp fight with clubs, for it is a convention that spears must not be used between close neighbours lest one of them be killed and the community be split by a blood-feud. It is also a convention that no third person may take part in the fight, even though he be a close kinsman of one of the combatants. Once a fight has begun neither party can give way and they have to continue till one or the other is badly injured unless, as generally happens, people pull them away from each other, loudly protesting, and then stand between them.

When a fight starts between persons of different villages it is with the spear; every adult male of both communities takes part in it; and it cannot be stopped before considerable loss of

1; Evans-Pritchard E-S (1931, 1936) 1940
F322 Nuer F322

628 life has ensued. Nuer know this and, unless they are very angry, are reluctant to start a fight with a neighbouring village and are often willing to allow a leopard-skin chief or the elders to intervene. I have seen a fight of this kind prevented by the mediation of elders on both sides, but it was clear that their mediation would have availed little if the young men had been eager to come to blows. To-day such fights are less common because fear of Government intervention acts as a deterrent, but I have seen camps and even tribal sections massed for war and on the verge of fighting, and at one time fights must have been very frequent.

Tribes sometimes raided each other for cattle, but fighting between them was rare. Inter-community fighting and the feuds that result from it are part of the political relations that exist between segments of a common tribal organization. Thus a Leek man said to me: 'We have our fighting among ourselves and the Gaajok have their fighting among themselves. We do not fight the Gaajok. We fight only among ourselves. They have their own fights.' People are killed in these fights and blood-feuds thereby commence. Within a tribe there is a method by which they can be concluded by arbitration.

V

628 624 783 We give a concise account of the procedure for settling a blood-feud, without describing the detail of ritual. As soon as a man slays another he hastens to the home of a leopard-skin chief to cleanse himself from the blood he has spilt and to seek sanctuary from the retaliation he has incurred. He may neither eat nor drink till the blood of the dead man has been let out of his body, for it is thought to pass into it in some way, and to this end the chief makes one or two vertical incisions on his arm by a downward stroke from the shoulder with a fishing spear. The slayer presents the chief with a steer, ram, or he-goat, which the chief sacrifices. This rite and the mark of Cain on the arm are known as *bir*. As soon as the kinsmen of the dead man know that he has been killed they seek to avenge his death on the slayer, for vengeance is the most binding obligation of paternal kinship and an epitome of all its obligations. It would be great shame to the kinsmen were they to make no effort to avenge the homicide.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

side. By living with the chief as his guest from the moment his arm has been cut till the final settlement, the slayer has asylum, for the chief is sacred and blood must not be shed in his homestead. It is possible that men only take refuge with a chief when the danger of vengeance is very great, but it seems to be the general practice.

While the slayer is at the chief's home the avengers keep watch on him (him) from time to time to see if he leaves his sanctuary and gives them a chance to spear him. They take any opportunity that offers to kill him, but they are not very persistent in seeking an opportunity. This state of affairs may go on for some weeks before the chief opens negotiations for settlement with the dead man's people, for his overtures are not likely to meet with a favourable response till the mortuary ceremony has been held and tempers have cooled a little. The negotiations are leisurely conducted. The chief first finds out what cattle the slayer's people (*jithunga*) possess and that they are prepared to pay compensation. I do not think that it would often happen that they would refuse to pay blood-cattle, unless they lived very far from the avengers or there were a number of unsettled feuds between the sections concerned, though they might not have the intention of handing them all over. He then visits the dead man's people (*jiran*) and asks them to accept cattle for the life. They usually refuse, for it is a point of honour to be obstinate, but their refusal does not mean that they are unwilling to accept compensation. The chief knows this and insists on their acceptance, even threatening to curse them if they do not give way, and his exhortations are supported by the advice of distant paternal kinsmen and cognatic relatives who will not receive any of the cattle and need not, therefore, show such pride and stubbornness, but who have a right to make their opinion known in virtue of their relationship to the dead man. The voice of compromise is also supported by the bias of custom. Nevertheless, the close kinsmen must refuse to listen to it till the chief has reached the limit of his arguments, and when they give way they declare that they are accepting the cattle only in order to honour him and not because they are ready to take cattle for the life of their dead kinsman.

In theory forty to fifty head of cattle are paid, but it is

1: Evans-Pritchard E-S (1931, 1936) 1940
FJ22 Nuer FJ22

unlikely that they will all be paid at once and the debt may continue for years. The ceremonies of atonement are performed when some twenty have been handed over, and then the slayer's kin may go about without fear of being waylaid, for the time being at any rate, for they are not safe from vengeance till all the cattle have been paid, and possibly not even then. The chief takes the cattle to the dead man's home. The slayer's people would not venture to accompany him. They are partly distributed among the kinsmen of the dead man and partly used to marry a wife to his name to give him heirs. Even if a man on either side has been killed cattle must be paid by both parties, though perhaps only twenty head by each, for the ghosts must be appeased and the honour of the living must be upheld. Also, sacrifices must be performed to rid the villages of death, which is loose in them and must be sent into the bush, and kinsmen on both sides must be purified from their uncleanness. For his part in the proceedings the chief receives, apart from meat of sacrifices, two beasts, but he has to give one of these to an agnatic kinsman who assists him. Often he gains nothing, as he is expected to give the slayer a cow to help him pay compensation and, moreover, he has had the expense of providing him with lengthy hospitality.

A homicide does not concern only the man who has committed it, but his close agnatic kinsmen also. There is mutual hostility between the kinsmen on both sides and they may not, on penalty of death, that will inevitably fall on those who break the injunction, eat or drink with one another or from the same dishes and vessels the other has eaten or drunk from, even if in the home of a man who is not kin to either party. This prohibition ceases after the cattle have been paid and sacrifices made, but close kinsmen on either side will not eat with one another for years, even for a generation or two, for reasons of sentiment. 'A bone (the dead man) lies between them.' Indeed, all Nuer recognize that in spite of payments and sacrifices a feud goes on for ever, for the dead man's kin never cease 'to have war in their hearts'. For years after cattle have been paid close agnates of the slayer avoid close agnates of the dead man, especially at dances, for in the excitement they engender the mere knocking against a man whose kinsman has been slain may cause a

1: Evans-Pritchard E-S (1931, 1936) 1940
FJ22 Nuer FJ22

fight to break out, because the offence is never forgiven and the score must finally be paid with a life. When the dead man is married a wife the bride is rubbed with ashes by her dead husband's kinsmen and God is invoked by them that she may bear a male child who will avenge his father. Such a child is a *gat ter*, a child of feud. At the sacrifices the ghost is told that his kinsmen have accepted cattle and will marry him a wife with them, but he is assured that one day they will avenge him properly with the spear. 'A Nuer is proud and wants a man's body in vengeance and not his cattle. When he has killed a man he has paid the debt and then his heart is glad.' Hence, though the chief admonishes the relatives of the dead man at the ceremonies of settlement that the feud is ended and must not be reopened, Nuer know that 'a feud never ends'. There may be peace for a time for the reasons that persuaded the kinsmen to accept compensation and on account of the cattle they have received, but enmity continues and the people on both sides remain *jiter*, people who are at feud, even if there is no overt hostility. There is no frequent fighting or continuous unabated hostility, but the sore rankles and the feud, though formally concluded, may at any time break out again.

VI

We have said that feuds create a state of hostility between lineages and thereby, as we shall explain further, between whole tribal sections; and that there is no very great difference between the occasional efforts to exact vengeance when feuds are still unsettled and the latent hostility that persists when they have been settled. This is only true, however, when the homicides are between primary, secondary, and tertiary tribal sections. In smaller groups it is not so, for, in spite of the strength of the feelings aroused and their persistence after compensation has been paid, feuds have there to be settled more quickly and are not so likely to break out again after settlement.

What happens when a man kills another depends on the relationship between the persons concerned and on their structural positions. There are different payments for a true Nuer, for a Dinka living in Nuerland, and, among the Eastern Jikany, for a member of the aristocratic clan (see p. 217). The

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

ability to prosecute a feud and thereby to obtain redress by a life or by payment of cattle depends to some extent on the strength of a man's lineage and on his kin relationships. But the intensity of a feud and the difficulty of settling it depend chiefly on the size of the group concerned in it. If a man kills another who is closely related to him—his paternal cousin, for example—cattle are still paid, though fewer, probably about twenty head. One of the sources of contribution, the father's brothers, or their sons, would be the recipients of compensation and therefore cannot pay it. None the less some cattle have to be paid as it is necessary to compensate the family of the dead man, to provide the ghost with a wife, and to perform the due sacrifices. I was told that in such cases the matter is quickly settled. Probably a blood-feud can be settled more easily if it is within a clan, for Nuer consider it wrong for clansmen to engage in a feud. After payment has been made they say: 'The feud has been cut behind, we have returned to kinship.' It is also said that if there has been much intermarriage between two groups a feud is unlikely to develop.

When a man kills a fellow villager or a man of a nearby village with which his village has close social relations a feud is soon settled, because the people on both sides have got to mix and because there are sure to be between them many ties of kinship and affinity. It is pointed out to the ghost that cattle have been paid and that it is impossible to avenge him by taking life because no one would be left alive if the feud were continued between kinsmen and neighbours. Corporate life is incompatible with a state of feud. When a man spears another of a nearby village it is customary for the people of the wounder's village to send the spear which caused the injury to the wounded man's people so that they can treat it magically to prevent the wound proving fatal. They also send a sheep for sacrifice. By so doing they intimate their hope that the wound will soon heal and that, in any case, they do not want to incur a feud on account of a personal quarrel. After this courtesy, even if the man dies his kinsmen are likely to accept compensation without great reluctance. If a man dies many years after having received a wound the death is attributed to this wound, but compensation is likely to be accepted without demur, and on a reduced scale.

1: Evans-Pritchard E-S (1931, 1936) 1940
FJ22 Nuer FJ22

When a man has killed a neighbour a cow is often immediately paid over in earnest so that the community may remain at peace. It must not be supposed, however, that the ease with which feuds are settled is an indication of lack of strong indignation or that the difficulty with which they are settled is an indication of greater indignation.

Feuds are settled with comparative ease in a restricted social milieu where the structural distance between the participants is narrow, but they are more difficult to settle as the milieu expands, until one reaches intertribal relations where no compensation is offered or expected. The degree of social control over feuds varies with the size of the tribal segment, and Nuer themselves have often explained this to me. Long and intense feuds may take place between tertiary tribal sections, but an effort is generally made to close them, for a segment of this size has a strong sense of community, close lineage ties, and some economic interdependence. However, it is far less easy to stop a feud between persons of different tertiary sections than to stop a feud in a village or between neighbouring villages, where a quick and permanent settlement is assured, and unsettled feuds between sections of this size tend to accumulate. This is especially the case where there has not been a single death resulting from a personal quarrel but several deaths in a fight between the two sections. When a fight has taken place between secondary tribal sections there is little chance of exacting vengeance except by a general fight, and people feel less the need to submit to mediation since they have few social contacts and these of a temporary kind, for the relative ease with which feuds are settled is an indication of the cohesion of the community. The larger the segment involved the greater the anarchy that prevails. People say that there is payment of blood-cattle between primary tribal sections, but they do not greatly feel the need of paying it. The tribe is the last stage in this increasing anarchy. It still has nominal political unity, and it is held that feuds between its most distant members can be settled by compensation, but often they are not settled, and if many men are killed in a big fight between large sections nothing is done to avenge them or to pay compensation for their deaths. Their kinsmen abide their time till there is another

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

fight. The political integument may in consequence be stretched eventually to the breaking-point and the tribe split into two. The rent between sections enlarges until they have little to do with each other beyond occasional uniting for raids; and feuds between their members are settled, if at all, with greater difficulty and casualness.

VII

The likelihood of a homicide developing into a blood-feud, its form, and its chances of settlement are thus dependent on the structural interrelations of the persons concerned. Moreover, the blood-feud may be viewed as a structural movement between political segments by which the form of the Nuer political system, as we know it, is maintained. It is true that only close agnatic kin of both sides are immediately and directly involved, but feuds between persons belonging to different tribal sections sooner or later influence the interrelations of the whole communities to which they belong.

The kinsmen of a slain man try to kill the *gwan thungs*, the slayer, but they have a right to kill any of his close agnates (*gaat gwanlow*). They must not kill sons of the mother's brother, father's sister, or mother's sister, because these people do not belong to the slayer's lineage. Also, only the minimal lineages on both sides are directly involved in the feud. However, the significance of the feud may be held to lie less in the ease of settlement within smaller groups than in the difficulties of settlement within larger groups, which participate indirectly in the conflict. We have noted that people at feud may not eat in the same homesteads, and, as a man eats in all the homesteads of his village, the villagers at once come within the scope of the prohibition and enter into a state of ritual opposition to each other. All the people of a village are generally in some way related to one another and have also a strong sense of community, so that if any fighting occurs between their village and another on account of a feud in which some of their members are involved the whole village is likely to be drawn into it. Thus at dances men of each village who attend them arrive in war formation and maintain an unbroken line throughout the dance, so that if one of them is attacked the others are at his side and

1: Evans-Pritchard E-S (1931, 1936) 1940
FJ22 Nuer FJ22

are bound to assist him. People not directly affected by the feud may thus be compelled to assist the principals.

We have noted, moreover, that the intensity of a feud and the manner of its prosecution depend on the structural relationship of the persons concerned in the political system. A feud cannot be tolerated within a village and it is impossible to maintain one for a long period between nearby villages. Consequently, although fights most frequently occur within a village or between neighbouring villages and camps, a feud, in the sense of a relation between parties between whom there is an unsettled debt of homicide which can be settled either by vengeance or by payment of compensation—a temporary state of active hostility which does not compel immediate settlement but which requires eventual conclusion—can only persist between tribal sections which are near enough to each other for the maintenance of actively hostile relations and far enough from each other for these relations not to inhibit essential social contacts of a more peaceable kind. A feud has little significance unless there are social relations of some kind which can be broken off and resumed, and, at the same time, these relations necessitate eventual settlement if there is not to be complete cleavage. The function of the feud, viewed in this way, is, therefore, to maintain the structural equilibrium between opposed tribal segments which are, nevertheless, politically fused in relation to larger units.

Through the feud whole sections are left in a state of hostility towards one another, without the hostility leading to frequent warfare, for the scope of direct vengeance is limited to small kinship groups and their efforts to exact it are not incessant. There is a fight between two sections and some people are killed on either side. Only those lineages which have lost a member are in a state of direct feud with the lineages which they have deprived of a member, but through common residence, local patriotism, and a network of kinship ties, the whole sections participate in the enmity that results, and the prosecution of the feuds may lead to further fighting between the communities concerned and to a multiplication of feuds between them. Thus when the Nyarkwac section of the Lou tribe fought the Leng section, the LAM lineage and the people who live with them were

1: Evans-Pritchard E-S (1931, 1936) 1940
FJ22 Nuer FJ22

628
613
602

ranged against the MAR, KWOTH, and MALUAL lineages and the people who live with them; the MANTHIEPNI lineage was ranged against the DUMIEN lineage; and so forth. Only these minimal lineages were involved with one another in the feuds that resulted, and not collateral lineages, even though they took part in the fight in other sectors of it, but the hostility between the sections was common to all their members. A good example of how Nuer feel in such matters is furnished by their reactions at Muot Dit cattle camp when the Government seized hostages to compel them to hand over two prophets. Their main complaint to me was that the hostages did not belong to the same lineages as the prophets and were therefore not directly concerned in the issue. The Government was looking at the affair in territorial terms, they in kinship terms on analogy with the conventions of a feud.

Apart from ritual observances, kinship obligations, community sentiment, and so forth, there is a further reason why blood-feuds between small lineages, especially when there are many of them, develop into states of feud, and tend to maintain hostile feelings between communities. As is explained in Chapter V every community is associated with a lineage in such a way that all persons in the community who are not members of the lineage are assimilated to it in political relations which are, therefore, often expressed in lineage values. Hence a blood-feud between small agnatic groups is translated into a feud, in the more general sense, between the lineages with which these groups are associated through the expression of the disturbed relations in terms of their structure, and the communities associated with the lineages are involved in mutual hostility.

Hostility between smaller segments of a tribe may involve the larger segments of which they form part. A quarrel between two villages may thus, as we have noted, bring about a fight between secondary, and even primary, tribal sections. The interrelations between larger sections are operated, as it were, by the interrelations between smaller sections. When a section in which there are unsettled feuds fights another section all quarrels are neglected for the time and the whole section combines for action.

The feud is a political institution, being an approved and

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

The feud is a political institution, being an approved and regulated mode of behaviour between communities within a tribe. The balanced opposition between tribal segments and their complementary tendencies towards fission and fusion, which we have seen to be a structural principle, is evident in the institution of the feud which, on the one hand, gives expression to the hostility by occasional and violent action that serves to keep the sections apart, and, on the other hand, by the means provided for settlement, prevents opposition developing into complete fission. The tribal constitution requires both elements of a feud, the need for vengeance and the means of settlement. The means of settlement is the leopard-skin chief, whose role we shall examine later. We therefore regard the feud as essential to the political system as it exists at present. Between tribes there can only be war, and through war, the memory of war, and the potentiality of war the relations between tribes are defined and expressed. Within a tribe fighting always produces feuds, and a relation of feud is characteristic of tribal segments and gives to the tribal structure a movement of expansion and contraction.

There is, of course, no clear-cut distinction between fighting against another tribe and fighting against a segment of one's own tribe. Nuer, however, stress that the possibility of arbitration and payment of blood-wealth for deaths resulting from a fight within a tribe makes it a *ter*, feud, and that this is different from a fight between tribes, *kur*, in which no claims for compensation would be recognized. Both differ from raiding of Dinka, *pec*, and from individual duelling, *dwac*, though all fighting is *kur* in a general sense. But it is obvious that a fight in a village which at once leads to payment of compensation for deaths and a fight between tribes in which there is no compensation for deaths are two poles, and that the further we go from a village community the fights between tribal sections become more like fights between tribes in that blood-wealth is paid with increasing difficulty and infrequency, so that between primary sections the tribal value, the feeling that blood-wealth can, and even ought to, be paid, alone distinguishes their fights from fights between tribes. Here again we would emphasize the conclusion that the tribal value is relative to the structural situation.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

We would emphasize further that blood-feuds only directly involve a few persons and that though they sometimes cause violence between whole local communities—a feud in a wider sense—ordinary social contacts continue in spite of them. The strands of kinship and affinity, of age-set affiliations, and of military and even economic interests remain unbroken; and these strands act like elastic between the sections, being capable of considerable expansion by disturbed political relations, but always pulling the communities together and keeping them as a single group in relation to other groups of the same kind. As we have explained, these strands lessen in number and strength the larger the community, but they stretch even beyond tribal frontiers. Increasing anarchy, increasing difficulty in settling feuds, goes together with lessening frequency of social contacts of all kinds. Social cohesion increases as the size of the community narrows.

VIII

There are, of course, disputes between Nuer other than those about homicides, but they can be treated briefly and in direct relation to homicide and the feud. In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict. In Nuerland legislative, judicial, and executive functions are not invested in any persons or councils. Between members of different tribes there is no question of redress; and even within a tribe, in my experience, wrongs are not brought forward in what we would call a legal form, though compensation for damage (*ruok*) is sometimes paid. A man who considers that he has suffered loss at the hands of another cannot sue the man who has caused it, because there is no court in which to cite him, even were he willing to attend it. I lived in intimacy for a year with Nuer and never heard a case brought before an individual or a tribunal of any kind, and, furthermore, I reached the conclusion that it is very rare for a man to obtain redress except by force or threat of force. The recent introduction of Government courts, before which disputes are now sometimes

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

fore, he runs a great risk of his skull being cracked with a club, and even of being speared if excitement runs high. And this is what often happens. 627

For this reason we have said that Nuer law, in so far as it applies to a study of political relations, must be treated in connexion with the blood-feud. Disputes can often be settled on account of close kinship and other social ties, but between tribesmen as such they are either settled by the aggrieved party using force, and this may result in homicide and blood-feud, or by the debtor giving way in the knowledge that force may be used and a feud result. It is the knowledge that a Nuer is brave and will stand up against aggression and enforce his rights by club and spear that ensures respect for person and property. 627 628

The Nuer has a keen sense of personal dignity and rights. The notion of right, *cuong*, is strong. It is recognized that a man ought to obtain redress for certain wrongs. This is not a contradiction of the statement that threat of violence is the main sanction for payment of compensation, but is in accord with it, for a man's kinsmen will only support him if he is right. It is doubtless true that if a man is weak it is unlikely that his being in the right will enable him to obtain satisfaction, but if he is in the right he will have the support of his kin and his opponent will not, and to resort to violence or to meet it the support of one's kin and the approval of one's community are necessary. One may say that if a man has right on his side and, in virtue of that, the support of his kinsmen and they are prepared to use force, he stands a good chance of obtaining what is due to him, so long as the parties to the dispute live near one another. 577 627

When we speak of a man being in the right we do not suggest that disputes are mostly a clear issue between right and wrong. Indeed, it would be correct to say that, usually, both parties are to some extent right and that the only question which arises is, Who has the greater right? To state the matter in a different way: a Nuer dispute is usually a balance of wrongs, for a man does not, except in sexual matters, wantonly commit an act of aggression. He does not steal a man's cow, club him, or withhold his bride-cattle in divorce, unless he has some score to settle. Consequently it is very rare for a man to deny the

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

threat forming part of the proceedings. Certainly to-day chiefs have no authority in virtue of their power of cursing. He is also known as *kuaar twac* because he alone wears a leopard-skin (*twac*) across his shoulders. A chief may be seen wearing one in Mr. Corfield's photograph on Plate XXIV. The word *kuaar* has ritual associations in all the Nilotic languages, but, without discussing further what word might best define its scope of reference in Nuer, we intend to refer to the person in this account, as we have done heretofore, as a chief, with the caution that we do not thereby imply that he has any secular authority, for we hold that his public acts are mainly ritual.

Nevertheless, his function is political, for relations between political groups are regulated through him, though he is not a political authority controlling them. His activities are chiefly concerned with settlement of blood-feuds, for a feud cannot be settled without his intervention, and his political significance lies in this fact. Chiefs sometimes prevent fights between communities by running between the two lines of combatants and hoeing up the earth here and there. The older men then try to restrain the youths and obtain a settlement of the dispute by discussion. However, we think that a fight can only be prevented in this way when the disputants are close neighbours and anxious not to kill one another.

Besides the part they play in feuds, chiefs perform ritual to cleanse parties to incestuous congress, and they possess slight rain-making powers, though Nuer do not attach much importance to the art. On the whole we may say that Nuer chiefs are sacred persons, but that their sacredness gives them no general authority outside specific social situations. I have never seen Nuer treat a chief with more respect than they treat other people or speak of them as persons of much importance. They regard them as agents through whom disputes of a certain kind can be settled and defilement of a certain kind can be effaced, and I have often heard remarks such as this: 'We took hold of them and gave them leopard skins and made them our chiefs to do the talking at sacrifices for homicide.' Their ritual sphere seldom extends beyond a tribal section.

Only certain lineages are chiefs and only some men of these lineages practise as such. It is, perhaps, significant that in many

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

624 613 parts of Nuerland, including most of the area with which I am acquainted, chiefs do not belong to the dominant clans in the tribes in which they function, though some of them are said to be aristocrats in parts of Eastern Gaajak, Gaawar, and Leek. Most of those whose clans I know belong to the GAATLEAK and JIMEM clans which nowhere have aristocratic status. Since quarrels between tribal sections are expressed in terms of lineages of the dominant clan associated with the sections, as will be explained in the following chapter, the chief, having no position in the system of dominant lineages, is thereby more fitted to mediate between them. He is not a member of the hereditary owners of the tribal land, but is a stranger living there. A chief may act as such in whatever tribe he resides in. If a chief is killed the ceremonies connected with payment of compensation are performed by an aristocrat of the tribe. This is probably because, even when the chiefs of an area are not all members of one clan, they are believed to have a kind of kinship through their common badge of the leopard skin and cannot marry into one another's families. We regard chiefs as a category of ritual experts and do not consider that they comprise in any way a class or rank. We believe their social function to be a mechanism by which the equilibrium of the political system is maintained through the institution of the feud. The slight authority of chiefs and, in many parts, their position outside the dominant clan, accord with this view.

624 628 In taking the view that to regard the leopard-skin chief as a political agent or a judicial authority is to misunderstand the constitution of Nuer society and to be blind to its fundamental principles, we have to account for the part he plays in the settlement of feuds. We have stated that he has no judicial or executive authority. It is not his duty to decide on the merits of a case of homicide. It would never occur to Nuer that a judgement of any kind was required. Likewise he has no means of compelling people to pay or to accept blood-cattle. He has no powerful kinsmen or the backing of a populous community to support him. He is simply a mediator in a specific social situation and his mediation is only successful because community ties are acknowledged by both parties and because they wish to avoid, for the time being at any rate, further hostilities.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

Only if both parties want the affair settled can the chief intervene successfully. He is the machinery which enables groups to bring about a normal state of affairs when they desire to achieve this end.

It is true that a leopard-skin chief has always in these circumstances to persuade, by exhortations and threats, the kinsmen of the dead man to accept compensation, but this pressure must not be regarded as a command. It is quite clear from many Nuer statements on the matter that the chief's threats are encouraged to their furthest point in order that by yielding to his persuasion the kinsmen of the dead man may not dishonour themselves by neglecting to exact a life for the life of their kinsman.

A chief's threats might go no further than saying that if the kinsmen would not listen to him neither would he, when they were in a similar difficulty, listen to them. But I was told that were the people to refuse mediation with undue obstinacy the chief might threaten to leave their homestead and to curse them. He would take an ox and rub its back with ashes and begin to address it, saying that if the injured party were to insist on revenge many of them would be killed in the endeavour and they would throw spears vainly at their enemies. I was told that he would then raise his spear to slaughter the animal, but this would be as far as people would care to let him go. Having asserted their pride of kin, one of the dead man's family would seize his upraised arm to prevent him from stabbing the ox, saying: 'No! Do not kill your ox. It is finished. We will accept compensation.' My informant, whose statements were supported by others, further added that if people were to insist on refusing the mediation of a leopard-skin chief he would take a short-horned ox and, after invoking God, slay it and rub the hairs off its head so that the members of the lineage who rejected his mediation might perish in prosecuting their feud.

We conclude, therefore, that a chief's curse is not in itself the real sanction of settlement, but is a conventional, ritual, operation in the settlement of feuds, which is known to every one in advance and is allowed for in their calculations. The threat of it is compelled by those on whom it would fall were it uttered. These affairs are like a game in which everybody knows the rules and the stages of development: when one is expected to give way, when to be firm, when to yield at the last moment,

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

624 628

and so forth. This conclusion is based on many statements (I have only once been present at discussions between a chief and the kinsmen of a slain man, and then the circumstances were unusual). It may, however, be said with certainty that no amount of pressure from a leopard-skin chief, if it is ever exerted, can settle feuds expeditiously, if at all, between the larger tribal sections. In other disputes the chief acts rarely, and only when both sides strongly desire settlement. He has no jurisdiction to hear cases in a locality. Here, again, I was told that if one party refused to accept his decision as arbiter he might pass the man his leopard-skin, an action tantamount to a curse. The man must then make the chief a gift before he will consent to take back the skin. However, this probably happens only when a man refuses to accept a decision to which every one else, including his own elders, have agreed. I was also told that in disputing a chief's words a man will do so respectfully, first spitting into the chief's hands as a sign of goodwill. No doubt a chief is shown respect on such occasions, but the chiefs I have seen were treated in everyday life like other men and there is no means of telling that a man is a chief by observing people's behaviour to him. His role in disputes may be regarded as a means by which neighbours, who wish a difficulty settled without resort to force and who acknowledge that the other side have a good case, can negotiate.

X

554

We have considered the position of the leopard-skin chief at some length because it is structurally important. He in no way represents or symbolizes the unity and exclusiveness of political groups, but is a mechanism by which, through the institution of the feud, these groups interact and maintain their structural distance. There are other people in Nuerland with ritual powers, of one kind or another, which sometimes make a man well known and, occasionally, very influential, but none of them are politically important, except the prophets whose activities we discuss later. They neither govern nor judge and their sacred functions are not, like those of the leopard-skin chief, specifically related to the interaction of local groups. However, we do not entirely

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

he should be a 'chief'. It does not follow that a man must be an aristocrat to gain influence among his fellow villagers. He may be a *tut* of some other lineage than the dominant one of his tribe who, by outstanding character, has been able to establish himself and his kin as social leaders in his locality.

There is thus in every tribe some differentiation of status, but the people so differentiated do not constitute classes, and 'strangers' and 'Dinka' are properly to be regarded as categories rather than as groups. Their relation to the aristocrats in the tribal system and the ways in which the different elements are integrated into communities will engage our attention in later sections.

VII

It is only in assessment of blood-cattle that social differentiation between aristocrats and Nuer strangers is of great significance, and then only among the Jikany tribes, principally among the Eastern Jikany. Among the Eastern Jikany the kinsmen of a *dil*, aristocrat, who was killed had to be compensated by payment of more cattle than the kinsmen of a slain *rul*, stranger, or *jaang*, Dinka. It is not easy to know to what extent this privilege could be enforced, or even to discover the relative assessments of blood-cattle. There was undoubtedly considerable elasticity in reckoning who counted as equivalent to a *dil* in situations of homicide and variation in the number of cattle paid for homicide. It was asserted by several informants that in pre-government days a true Nuer, called in the Jikany tribes a *gat Geeka*, counted the same as a *dil* Jikany for purposes of assessing blood-cattle, and I was given the following blood-cattle assessments: a Jikany aristocrat, 40, a Nuer stranger, 40, a Dinka adopted by a Jikany aristocrat, 20, a Dinka who had been adopted by a Nuer stranger, 20, and an unadopted Dinka, 6. In more recent practice the following payments seem to have been regarded as usual: a Jikany aristocrat, 20, a Nuer stranger, 17, a Dinka who has settled permanently in the country, 16, a Dinka who has not been long settled, 10.

I was not long enough among the Eastern Jikany to investigate this matter thoroughly, but I received the impression that the second list was coloured in its variation of assessment, as it was certainly influenced in amounts of assessment, by recent Government decisions; though the informants who gave it insisted that it was in proportion to the ancient assessments. Aristocrats assured me that in the past more cattle were always paid for the homicide of an aristocrat than for that of a Nuer stranger. Members

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

of Nuer clans, other than the GAATGANKIIR, who have settled in Jikany tribes equally assured me that the payments were the same for both. No doubt they were both hoping to influence Government practice by their statements. On the whole, I consider that among the Eastern Jikany there was probably a difference between payments for homicide of an aristocrat and of a stranger, but that there was much flexibility in the assessments, which depended generally on the special circumstances of each case: the length of the dead man's residence in the country, marriage alliances between his family and aristocratic lineages, the strength of his lineage and local community, whether he had been killed by a member of his village or by a man of another village, and so forth. Probably the same is true of the Western Jikany tribes, where I was told that the customary compensation fo. an aristocrat was from 40 to 50 head of cattle, for a stranger or Dinka who had settled in the country, 30, and for a Dinka who was staying there but had not yet built a homestead, 20. The practice of the Jikany is not typical of Nuerland as a whole.

Nevertheless, all over Nuerland Nuer and Dinka were differentiated by assessment of their value in blood-cattle, though the definition of a Dinka, in this respect, varied in different tribes. Among the Lou the practice was to reckon aristocrats and strangers together at 40 head of cattle. A Dinka who was born in Lou country was said to have become a Nuer (*caa nath*) and a member of the community in which he was living (*caa ran wec*), so that his life also was assessed at 40 head of cattle. On the other hand, a Dinka who had been captured in war and brought to Lou country was reckoned at 16 head of cattle, while a Dinka visiting relatives or affines in Lou country was reckoned at only 6 head of cattle. I was told that a Dinka who had been adopted held an inferior position in this respect to that held by his children, who counted as true Nuer. In the Jagei tribes Nuer strangers and Dinka who were permanent members of a community appear to have been reckoned at 40 head of cattle, like an aristocrat, while a stranger or a Dinka who had not built a byre was reckoned at only 10.

The building of a byre was stressed because a man who built a homestead in a village had clearly the intention of remaining there and the community gained by an addition to its herd. Such a man seems to have been reckoned equal to an aristocrat in all parts of Nuerland, except among the

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

Jikany where, I was told, a Dinka could never lose his inferior status, which was transmitted to his descendants. The acceptance of a permanent member of a community as equal to an aristocrat conforms to the general tendency among the Nuer for descent to be subordinated to community, a tendency which we shall constantly stress.

We again emphasize the point to which we drew attention in the section on law, that the degree of responsibility acknowledged for a tort, the chances of compensation being offered for it, and the amount of compensation paid, depend on the relations of the persons concerned in social structure. Thus, if a man kills an unadopted Dinka of his own household, who was not born in Nuerland, there is no redress, but his household will protect their Dinka against outsiders and will avenge his death at their hands. Dol, who is himself of Dinka descent, told me: 'If you curse a Dinka of your household, well, you curse him, that is all. If he is angry you tell him that you will kill him and that nothing will happen. You will merely clean your spear on the ground and hang it up. But if another man curses a Dinka of your household you fight him, for the Dinka is your brother. You ask the man whether he is your Dinka or his Dinka.'

The position of a Dinka in his own domestic circle is thus different from his position in relation to members of a wider group. He is only a *jaang* to the joint family which considers him 'their man.' To people standing outside this joint family he is a member of that *gol*, joint family, and it is not their business to differentiate his status within it. I was told that if an outsider called such a Dinka '*jaang*', the sons of the man who had captured him would resent the insult and might start a fight to wipe it out, for to them he is '*demar*', 'my brother', in relation to outsiders. They ask, 'Who is a *jaang*? Did your father seize him or did ours?' The acceptance of Dinka born in Nuerland as full members of Nuer households, hamlets, and villages is even more pronounced.

The status of Dinka is thus a relative one, and a man may be considered to belong to this category in one situation and not in another. This is obviously the case in social life generally, because ordinarily no one differentiates a man of Dinka descent from a man of Nuer descent, but we believe that it was also the

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

case in questions of homicide, since the social situation was composed of the structural relations of the slayer and his kin to the dead man and to other people concerned in the dispute. In our opinion the uncertainty and contradiction which was often evident in the statements of Nuer about assessments of blood-cattle is to be accounted for by relativity of status, it being relative always to the structural distance between persons, and therefore not rigidly definable.

Likewise *rul* is a very plastic concept. If a Leek man goes to Gaajak country to steal cattle and is killed no compensation would be paid for the homicide. A Leek man travelling through Gaajak country without intent to cause loss to its owners would not wantonly be slain. If the man were visiting kinsmen or affines and was killed in a quarrel, his hosts would consider that they were under an obligation to avenge him, though, perhaps, not under a very strong obligation. But a Leek man who has built his homestead in Gaajak country and has married into the village where he resides is a member of that community. If another member of his village kills him, it may be held that he is a *rul* and therefore his death may be paid for with fewer cattle than that of an aristocrat. But if a member of another village kills him, his community are not likely to accept this definition of status, because one does not differentiate between members of one's community on grounds of descent in its relation with other political segments. In political relations community ties are always dominant and determine behaviour.

VIII

We have observed that within a tribe there are three categories of persons: *diel*, *rul*, and *jaang*. The *diel* are an aristocratic clan, numerically swamped in the tribe by strangers and Dinka, but providing a lineage structure on which the tribal organization is built up. The problem is how strangers and Dinka are attached to the dominant clan in such a way that the clan becomes, through the relations of other members of the tribe to it, the framework of the political system. As Nuer reckon all social ties in a kinship idiom it is clear that only the recognition of mutual bonds of kinship could lead to this result. Such recognition is accorded in several ways. We will start by

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

indemnification,[1] but is nowadays modified by the fact of enforcement of the law through the agency of Nuer courts.

Restitutive Sanctions

Rules of conduct towards kinsmen and neighbours are upheld by these sanctions. If good relations are to continue, certain breaches of conduct usually require the payment of compensation. Adultery, as we have seen, requires six head of cattle for this purpose; bodily injuries require compensation in proportion to the seriousness of the injury and there are complicated scales laid down in tradition. Homicide requires the transference of forty head of cattle from the kinsmen of the killer to those of the deceased in order to restore the balance between them. Scales of compensation for wrongs can be quoted by the older generation of Nuer with surprising consistency, but this is an indication neither of rigidity of custom nor of constant application. Whether compensation was paid at all and, if paid, whether the scales were strictly followed, depended largely on the relationship of the persons involved. If a dispute arose between groups of people after a wrong had been inflicted on one of them, we have seen that their relationship in the social structure determined the likelihood of settlement. The sanctions for composition operated along lines of social cleavage, being less intense and therefore less effective the greater the structural distance. A man of one tribe could rarely hope to exact compensation for an injury inflicted by someone of another tribe unless there were other links between them which extended beyond the political limits of the tribe. Similarly an individual living within one primary segment would find it difficult to get compensation from an individual living in another primary segment unless there were other ties between them, usually kinship or marital ties, which made composition mutually advantageous. It also depended on the state of the relations obtaining between the two segments, for there was often a feud (*ter*) between them. These observations are less true of members of secondary segments, since the smaller the social sphere the greater the possibility that compensation would be paid, and would be also a matter of extreme expediency. The application of Nuer law was therefore relative to the social structure, and the extent to which it was followed depended on current relations of the social units concerned. It was unlikely that minor disputes involving the payment of compensation to wronged individuals would ever be settled so long as the communities with whom each was associated remained in a state of feud. The situation would be substantially altered if the feud itself was composed by payment of compensation (*thung*) between them. Composition of a feud was

[1] Homicide and bodily injury, defamation of character, infringement of rights in property, violation of rights in women, &c.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

681 therefore often followed by the settlement of other and less serious
●628 disputes.

In the absence of a legal system for the enforcement of the law,
681 settlement was not easily achieved, and should the situation be such that the disputants were persuaded to come together, there had to be some basis upon which negotiations could be opened. The discussion had to begin somewhere, and an opening was made by reference to traditional scales of compensation which existed largely for that purpose.

There is some evidence that bloodwealth in the form of forty head of cattle was usually paid in full if it was paid at all. In this there was a distinct rigidity which is still maintained in the courts, and it seems that this is not only a result of the enforcement of the law of homicide by the Government. The reason is, perhaps, that the peaceful settlement of a feud required strong sanctions, and negotiations were not usually governed by such considerations as the availability of cattle; a large group of people was involved, and therefore cattle usually were available.

On the other hand compensation for injuries less than death and for other wrongs recognized as demanding indemnification is of a more individual nature, though this does not mean that it is not incumbent on kinsmen to assist in the collection of the cattle. It often happens that a man has not the necessary cattle to pay and, if his kinsmen will not help him, a compromise must be reached. For example, in a dispute over adultery, the wronged husband may eventually agree to accept only three head of cattle. Even though there may be little chance of getting the remainder, his face is saved because six head is the established custom and the rest will be due to him in the form of a debt. 'Saving face' is a primary consideration to the Nuer in the settlement of disputes.

This is true of the past as well as the present, and may be seen in the courts today. In its judgement the court orders that the wrongdoer shall pay the wronged so many cattle known to be in the former's possession. It will further order that the remainder shall be paid at a time when more cattle come into the possession of the wrongdoer; in other words, when some debt, which the defendant is usually called upon to state, is discharged to him; when bridewealth is paid for his sister or daughter or when some other obligation in cattle is fulfilled.[1] All these considerations are thrown into the issue, and a Nuer court is faced not only with the problem of judgement but also with an equally complex problem of execution.

[1] The discharge of one debt leads to a claim for another. This is another reason why litigation is increasing. As soon as a man is ordered by the court to pay, he will look around for some excuse to claim cattle from some other party. This sometimes happens immediately after judgement, so that execution often depends on the judgement given in the next case and so on.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

Traditional Scales of Compensation and the Formula of Compromise

Whatever the sanctions for payment, either in full or in part, of the compensation recognized as traditional, the mere fact that Nuer are able to quote traditional scales of a complicated nature shows that methods of negotiation existed whereby a wrong could be righted and peaceful relations between individuals or groups could be restored. I believe that traditional scales represented a formula through which such negotiations could be opened and were a starting point from which a compromise could be reached. They provided a formula for compromise, but no more. Although, as will be seen later, these scales of compensation have acquired a greater rigidity both in amount and in consistency of application because they are now enforced by the courts, this element of compromise still remains.

Legal Procedures and Political Authority in the Past

It is not the object of this book to describe how incipient legal procedures functioned in the past, if indeed any such procedures existed at all. There is insufficient evidence to justify any generalization, and it is probable that the extent of change in Nuer society, and particularly in the sphere of law caused by the establishment of Nuer tribunals, is already great enough to preclude any possibility of obtaining such evidence. Nuer informants are extremely vague as to how disputes were settled in the past because of the absence of any kind of formalized legal procedure and, above all, the absence of organized legal institutions with powers of coercion. It is sometimes difficult to believe that disputes were settled at all. In fact, they were settled when a combination of circumstances represented in the sanctions already described made it expedient for both parties to come to an agreement.

An act of homicide was instantly followed by a state of feud between the groups concerned. The situation demanded vengeance on the person of the killer or on any of his kinsmen, but, depending on historical circumstance and the conditions in which those groups lived, the need for vengeance could be removed by the payment of compensation. There was no organized political force to compel composition of a feud, but there was a recognized procedure for composition if it was expedient. This procedure, which is described in considerable detail later, centred round the functions of the Leopard-Skin Chief, the *kuaar muon* or *kwac*. This functionary had no political or executive authority to compel the warring parties to come to agreement and no force which he could call to his aid if the opposing parties had no wish to do so. It was, however, expected that he would make

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

692 628 624

the attempt to intervene. Similarly legal disputes of a less serious nature might be brought before him, but his duties were clearly those of a mediator and not those of a judge. That a dispute was brought to him for mediation at all presupposes that both parties wished for settlement of their differences. On this subject Professor Evans-Pritchard has, I think, rightly stated that 'the five important elements in a settlement of this kind . . . seem to be (1) the desire of the disputants to settle their dispute, (2) the sanctity of the chief's person and his traditional role of mediator, (3) full and free discussion leading to a high measure of agreement between all present, (4) the feeling that a man can give way to the chief and elders without loss of dignity where he would not have given way to his opponent, and (5) recognition by the losing party of the justice of the other side's case'.[1]

That these observations are strictly true is brought out in the procedure followed in the courts today and the characteristic mental attitudes of the disputants which are displayed. The difference is, of course, that there is force behind the decision of the courts, and this means that in the majority of cases recognition by the defendant of the justice of the other party's cause is not so necessary for settlement, and there is also coercion in that a defendant would be compelled to attend when otherwise he might not bother to answer the request of the plaintiff to take the matter before a mediator at all. Nevertheless the elements enumerated above are present in the arguments expressed in the course of a Nuer court sitting, although the concept of neutrality focussed in the person of the Leopard-Skin Chief as arbiter is now inherent in the court itself.

692 624

It is possible that Professor Evans-Pritchard underestimates the influence of the Leopard-Skin Chief in bringing disputants together. In the Zeraf Valley tribes at any rate there are indications that some Leopard-Skin Chiefs had considerable powers in this matter, but powers of persuasion based on personality rather than on any established authority inherent in their status. This really means that the Leopard-Skin Chief's actions were dictated by political conditions prevailing within a restricted community. The Leopard-Skin Chief was the focus of political desires and vested in him were the forces of public opinion.

This problem is a controversial one, and the subject of much unpublished criticism of Professor Evans-Pritchard's account of the function and status of the Leopard-Skin Chief. There is, I think, a confusion of thought in these arguments, for Professor Evans-Pritchard is writing in terms of institutions, while his critics write in terms of individual personalities.[2] On the other hand, since there has always been a desire

[1] Evans-Pritchard, op. cit., pp. 164–5.

[2] There is confusion also because Professor Evans-Pritchard's writings are based largely on experiences of the Lou and Eastern Jikany Nuer where there are few Leopard-Skin families, while his critics argue from experience of Gaawar, Lak, and Thiang where the majority of dominant lineages are also Leopard-Skin Chiefs.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

CHAPTER II

HOMICIDE AND BODILY INJURIES

PART I HOMICIDE

1. INTRODUCTION

Nuer Concepts Concerning Homicide

SPEAR-FIGHTS between rival factions are not uncommon, and the blood-feud is still a reality among the Nuer despite severe deterrents applied by the Administration. Casualties are sometimes heavy, and most Nuer bear the marks of some armed affray, but fatalities are fortunately comparatively rare. Battles range from the minor clashes of a few individuals within a small community to fights between local lineages and tertiary segments in which perhaps thirty or forty warriors are drawn up on either side. Often the attitude of hostility spreads to much larger groups of people even though actual fighting is limited to a few. On the whole, hostilities on a tribal scale or even between primary segments of a tribe are uncommon. The feeling of antagonism and the call for vengeance may extend through or beyond such larger groups, but it is not usual nowadays for them to combine against each other in full force. I do not wish to exaggerate the incidence of fighting among the Nuer, but it is sometimes believed that although the 'balanced opposition' of tribes or smaller segments is a feature of Nuer society, feuds are merely a conventional expression of that opposition. This is only partially true, and it would be a mistake to believe that the Nuer do not frequently use in earnest the spears and clubs which they keep always at their sides. 628●

Fighting is sometimes described as the national pastime of the Nuer, but it is not so much a pastime as a necessary means of protecting individual and collective rights in the absence of established authority by which wrongs may be righted. This absence is now remedied by the introduction of Nuer courts with powers of coercion, though these have not yet reached a high enough standard of efficiency to eliminate all breaches of the peace. Self-help and retaliation are still common enough in Nuerland. There is still little restraint put on the actions of the young and hot-headed by a body of public opinion consciously opposed to bloodshed as a moral wrong. Nuer will admit that homicide is wrong (*duer*) and that fighting is undesirable, but this is because they realize that these lead to a most uncomfortable state of insecurity. Nuer are always acutely conscious of the need for social cohesion.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

682 577 There is, however, very little expression of an unfavourable reaction to the taking of life in the abstract, and homicide is not considered a crime against society. On the other hand what we should call 'cold-blooded murder', which is extremely rare, offends Nuer ideas of morality because the victim has had no chance to defend himself. It is the Nuer code of honour which has been contravened. People are profoundly shocked in these circumstances, a feeling which extends well beyond those who by reason of their relationship to the deceased are expected to take a vindictive attitude towards the killer and his kinsmen.

682 628 Homicide and blood-feuds arising out of homicide must be considered in relation to the social context. Such feuds are characteristic of the relations prevailing between the political divisions of a tribe. Specifically it is the tie of kinship which demands common action in vengeance against the killer of a kinsman, but the obligation often extends beyond the immediate lineage of the slain to much larger communities, tertiary or even larger tribal groups. Thus the spread of a state of feud follows generally, but not always exactly, the lines of social cleavage, and gives emphasis to the segmentation of the tribe. Generally speaking, a feud between two closely related groups will be settled without great difficulty because common habitation and common economic pursuits, strengthened by the tradition of blood relationship, demand peaceful composition as a matter of expediency. The sustained feud is usually one which has spread to larger units of society and becomes a permanent expression of opposition between them. Hostilities are not continuous, but even comparatively trivial provocation may be sufficient to start further fighting.

[624] In the past there was no conception of individual punishment inflicted on the person of the killer. There was no organized authority to inflict it. We have seen that the Leopard-Skin Chief, who had certain very definite functions to perform in connexion with homicide, had no political power but was essentially an arbitrator called in by hostile groups when a settlement of their differences was desirable. All wrongs were civil or private wrongs as between individuals or groups of individuals and, except in rare cases where collective action was taken against certain anti-social persons, witches and the like, there was no public law. The settlement of a feud arising from homicide, whether the act was committed by stealth, in fair fight, or by accident, required only the restoration of equilibrium between the groups involved. Settlement was in no sense an individual affair. It was not necessary to take revenge on the person of the killer himself; any one of his kinsmen would do instead.

If there was any sense of retributive justice, it was held by an isolated group of persons, the group to which the deceased belonged as opposed to the group of which the killer was a member. The action which

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

followed, whether it was revenge by the former or offers of compensation by the latter, was intended to satisfy the people who had suffered the injury. To kill a person of the other group restored the balance by reducing their numbers proportionately, but it was a negative way of dealing with a situation which required more positive action if a permanent feud was to be avoided. The principle of a life for a life rarely led to permanent peace even if honour was satisfied for the moment. The likelihood of positive settlement by payment of compensation and the performance of the necessary ritual depended largely on the degree of social integration and interdependence of the groups involved. Both were usually segments of an even larger group. Political and historical factors also played their part. Two tertiary tribal segments, for example, previously hostile might have to settle their differences because of the threat of violence from another and less closely related segment of the tribe.

These observations apply to the past, for homicide is now a criminal offence and strong action is taken to prevent the continuation of a feud. The crime is punished, but the feud is settled on traditional lines even though composition is compulsory. The payment of compensation in cattle is still made as a positive and effective way of restoring the balance and allowing social and economic contacts to continue. It involves the fundamental principle that a deceased person must be 'married a wife' so that her children, begotten by some kinsman on his behalf,[1] will bear his name, belong to his branch of the lineage, and may concern themselves with his interests in posterity. *Thung*, the indemnity for homicide, is primarily intended for this purpose. For this reason compensation should theoretically be in proportion to current rates of bridewealth, although, as we shall see later, the proportion is not exact as there are other claims to be met. Part of the cattle at any rate will be used to marry a 'ghost-wife' to the deceased, and although the physical father will be some other member of his lineage, the children will legally belong to his line. The group as a whole also loses in the deceased an economic asset both in ensuring the subsistence of his immediate family and in the collective economic interests of his associates. Therefore other close kinsmen must receive some share of the compensation to meet this loss, to satisfy their indignation and their desire for revenge, and because, were the position reversed, they might be called upon to subscribe towards the payment of compensation to some other group.

Theoretically the question of intention does not enter into the assessment of compensation because the principal object of the payment is to restore the balance which has been disturbed, but Nuer do in fact take it into consideration. It has already been mentioned that in all Nuer disputes scales of compensation are treated more as a basis upon

[1] For this institution—'ghost-marriage'—see Chapter III, pp. 74 et seq.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

which a compromise can be reached than an exact rule, and in the case of unintentional killing the indignation of the dead man's kin will be less than in cases of intentional homicide and a compromise more likely. Nowadays it is accepted that accidental killing demands only half the compensation required for intentional killing.

I must stress once more that these observations apply largely to the past. Homicide is now a criminal offence, and is invariably punished. Moreover, the Government insists on the prompt and peaceful composition of feuds arising out of homicide. The method of compensation, however, is no different from what it always was, and is usually assessed in a separate transaction after the trial for homicide is over. It is therefore necessary to describe in some detail the traditional procedures, ceremonies, and ritual involved before turning to modern procedure in the courts, where homicide is treated as a crime.

Definition of Terms

Before turning to the processes by which settlement of a feud is reached, it is necessary to define some of the Nuer terms which will be used. The verb 'to kill' in Nuer is *nak*, and the expression '*ce ran nak*', 'he has killed a man', is used generally for all forms of killing. Nuer further distinguish between killing which occurs in fair fight, whether in battle or single combat (all covered by the term *nak*), and killing by stealth or ambush, which is called *biem*. To them the latter form of killing is particularly reprehensible, although the circumstances are mitigated if it is done in revenge for a previous killing. The word *kur* is used to describe fighting in raids and battles, as opposed to the word *duac*, which is used exclusively to describe single combat or duels. The word *ter* means literally 'a state of feud'.

The two parties concerned in a feud are referred to as *ji ran*, which means 'the people of the man' (i.e. the deceased). These are the people who will seek vengeance on the *ji thunge*, 'the people of the compensation', who are the kinsmen of the killer and will be called upon to pay *thung* or compensation. The killer is usually referred to in the singular as *gwan thunge*, and in cases of homicide where more than one is responsible, the man to strike the first blow against the deceased is called the *ran me hoic e-je*, and the second, the *ran me gam e-je*, a distinction which is important in assessing the liability to pay compensation. These expressions are used extensively in describing the processes of settlement, the circumstances of the incident, and the state of opposition between the two parties. The emotional attitude of the *ji ran* is characterized by intense indignation and a reluctance to accept compensation. Custom demands that they express in a conventional manner a sentiment of vindictiveness. Convention also demands that the *ji thunge*, the killer's kin, shall approach the *ji ran*

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

in a spirit of conciliation coloured by a genuine fear that vengeance may be exacted. These sentiments are always to the fore if settlement is sincerely desired.

Compensation in Nuer is called *thung*. *Thung* is usually qualified according to the circumstances of the killing, and the number of cattle demanded is graded accordingly. These qualifications are described more fully later, but briefly they are *thung ran*, which is full compensation in cattle for the death of a man killed in a fight whatever the weapon used, and *thung nyindiet*, which means compensation demanded for a man who dies as a result of an injury inflicted a considerable time before. There is another and less usual term (restricted, I think, to Lou and Gaawar Nuer), *thung loic*, which refers to the compensation demanded when the killer has not confessed to his crime until long after the death of his victim. *Thung gwacha* refers to unintentional or accidental killing; *thung yiiha* to compensation demanded for a woman who dies in childbirth when the father of the child is not her legal husband.

The special Nuer functionary who is called upon to act as arbitrator in the settlement of a blood-feud is, as we have seen, the *kuaar mion* or 'Land Chief'. His badge of office is the Leopard-Skin (*kwac*), and for this reason he is more usually referred to as *kuaar kwac*, a term which is universally translated as 'Leopard-Skin Chief' and is nowadays used extensively both in works on the Nuer and in Government documents. His powers, however, are derived from his association with the land, and extend to mankind because it is upon the products of the land that mankind exists.

In the settlement of feuds, these 'Chiefs' are called in to remove spiritual difficulties by ritual performances and to act as intermediaries between the warring parties. The Leopard-Skin Chief, by reason of his special association with the land, can curse people, and traditionally he may use these powers to intervene. He can, for instance, interpose himself between the contestants in an actual fight and draw a line on the earth between them which theoretically no man would dare to pass. This action, however, is merely a symbolic expression of general opinion which condemns the continuation of a feud, and if both parties were really determined to come to blows, it is unlikely that it would be sufficient to deter them, although hostilities might be postponed until a time when the Leopard-Skin Chief was not on the scene. I know of only one recent instance when this duty was performed. A few of the more hot-headed warriors did cross the line and were condemned by public opinion afterwards, principally because by doing so they showed an excessive determination to join battle with the other party in a situation where the majority wanted peaceful settlement. In fact, the final result of the Leopard-Skin Chief's action was to provoke a much more serious conflict than would

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

otherwise have been the case, because the side opposed to the youths who had rashly crossed the line were so incensed that they found a way of renewing the fight next day in another part of the area, well removed from the place in which the line had been drawn, and in greater force than before.

In most cases, however, the Leopard-Skin Chief only exerts his influence when he knows that the contestants wish him to do so. He will use threats to break down the opposition and expression of hatred demanded by convention rather than intervene on his own initiative when there exists a real determination to fight. Essentially, so far as the law is concerned, the Leopard-Skin Chief is the mediator who conducts the opposed groups peacefully through the elaborate processes of settlement, who acts as assessor where cattle are concerned, and who deals with the problems of taboo and spiritual observance which arise. He is the appointed and traditional 'Third Party', theoretically impartial, whose duty it is to smooth the path of the negotiations for both sides in a situation which is potentially dangerous. In some parts of Nuerland a special functionary, the *kuaar thoan*,[1] exists to mediate in disputes between two opposing Leopard-Skin families. In Eastern Nuer areas this function must be performed by a commoner or *dwek*.

a. BLOOD-FEUDS

The Process of Settlement and the Functions of the Leopard-Skin Chief as Mediator

The Leopard-Skin Chief concerned with the Individual

Apart from his duties in the settlement of feuds, the Leopard-Skin Chief is concerned with the spiritual welfare of a killer as an individual. The Leopard-Skin Chief's home is sanctuary and the group who seek vengeance may not enter, though they may lie in wait outside. As a mark of the sanctity and neutrality inherent in the office of Leopard-Skin Chief it is traditional that no spears may be carried into his presence or brought into his home.

A man who has killed another may not eat or drink until his blood has been let by a Leopard-Skin Chief; *ce riem-de kam rar* ('his blood has been taken out'). This ceremony is known as *birr*, and is performed by the Leopard-Skin Chief himself or one of his relatives. A fish-spear is taken and the arm of the killer scratched therewith until blood flows. The killer may not shave his head, and his home and cattle-byre are closed. His family may seek refuge with the Leopard-Skin Chief or may rely on the safety of numbers and group themselves round other relatives.

At this ceremony a bull-calf, known as *ruath birre*, is sacrificed by

[1] *Thoan*, serval cat (*Felis serval*).

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

the Leopard-Skin Chief. The killer himself is no longer concerned individually and has nothing further to do until the negotiations for settlement are finally concluded except to collect the cattle of compensation of which he will pay a substantial proportion.

After compensation has been paid, a ceremony called *piec mac* is performed by the Leopard-Skin Chief and his assistants at the cattle-byre of the killer. During the period of his seclusion his home has been closed and neglected and weeds allowed to grow. An idiomatic expression in Nuer is *luak-de cerike luak gwan thunge*, which means 'his cattle-byre is unclean like a killer's cattle-byre' and is used in a derogatory manner towards anyone considered dirty or untidy. The byre must therefore be ceremonially purified and swept and fire re-kindled (*piec mac*).[1] The Leopard-Skin Chief and his assistants clean the frontage and open the byre and his wife builds the fire-screen (*buor*), the symbol of the Nuer homestead, and kindles fire with fire-sticks. A sacrifice is then made.

The Leopard-Skin Chief concerned with Hostile Groups; ji ran and *ji thunge*

As soon as a man is killed a state of feud (*ter*) begins between the *ji ran* and *ji thunge*. They must scrupulously observe certain taboos and avoid spiritual contamination, which manifests itself in physical disease known as *nueer*.[2] They may neither eat nor drink together and they may not intermarry (and this rule may continue for many generations after settlement).[3] The Leopard-Skin Chief is able, by the performance of certain rites, to neutralize the effect of spiritual contamination, and he may be called upon to do so when an involuntary breach of taboo has occurred, or in rare cases he may be asked to remove the taboo altogether after compensation has been paid and the case finally settled. This ceremony is known as *math*, and is rarely performed unless the two groups are very closely related.

Ceremonies, Rites, and Acts of Mediation Performed by the Leopard-Skin Chief in the Settlement of a Feud

The Leopard-Skin Chief is first approached by the *ji thunge*, who ask him to call upon the *ji ran* to find out whether they are willing to accept compensation. He then approaches the *ji ran* on behalf of the *ji thunge* and appeals to them to settle the matter peacefully. They are expected by convention to show considerable opposition even though really anxious

[1] *Piec mac* is a normal expression used to denote the kindling of fire with fire-sticks, but in almost all Nilotic languages it has also a ritual meaning associated with the idea of purification.

[2] *Nueer* usually takes the form of painful but not necessarily fatal diarrhoea. The word *nueer* is not confined to cases of illness caused by a breach of taboo associated with a state of feud; other breaches of traditional observance may lead to *nueer*.

[3] 'There is blood between them'—*teke riem hamdien*—refers to the taint of a past feud between kinship groups which may be a bar to intermarriage. See example, p. 147.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

628 624 to come to an agreement, and the Leopard-Skin Chief may resort to threats and curses to override their pretended refusal. After persuading the *ji ran* to consider settlement by compensation, he returns to the *ji thunge* to assess and inspect the cattle they propose to provide.

After the cattle have been collected and seen by the Leopard-Skin Chief, the *ji thunge* gather together and proceed with the cattle to an appointed spot. The *ji ran* collect nearby and send a representative forward to inspect the cattle. Here again there must be a show of opposition; the *ji ran* are not expected to accept too readily, and the Leopard-Skin Chief may again resort to threats. There may even be a mock battle, the Leopard-Skin Chief being chased out with sticks and spears by the *ji ran*. He will eventually cut the matter short by advancing and spearing the first bull-calf which is called *ruath kethe*. If the *ji ran* are too overbearing with the Leopard-Skin Chief, he may turn and run away, in which case the *ji ran*, fearing a curse, are expected to use honeyed terms to get him to come back. All this behaviour is probably pretended only; a symbolic expression of the feelings of the *ji ran*. It is unlikely that negotiations would get thus far if they really meant to refuse. The *ruath kethe* is then skinned and torn to pieces by the *ji ran* and carried away to be eaten.

628 624 783 Shortly after this the Leopard-Skin Chief sacrifices an entire bull called the *tut ghok*—'the bull of the herd'—a purification ceremony required to allow the *ji ran* to drink of the milk of the compensation cattle without incurring spiritual contamination. The milk of these cattle is particularly dangerous to the relatives of the dead man and will not be drunk until all possibility of contamination has been removed by the Leopard-Skin Chief. At a later period, if the parties are agreeable, *ghok pale loic*[1] may be handed over as a sign that the feud is really ended, but it is most unlikely that this ever occurred in the past unless the two groups were so closely related as to make life intolerable without final settlement. Two cows in calf are handed over, one being given to the father or brother of the dead man, the other to his mother, thus appeasing both his kinship group and his maternal relatives. This ceremony is known as *cuil*. Apparently the initiative should come from the *ji ran* rather than the *ji thunge*, and they intimate to the latter through the medium of the Leopard-Skin Chief that they are willing to make final settlement. The final ceremony required to settle the feud for all time is known as *math*.[2] The

[1] 'Cattle of appeasement'. *Pale loic* can be best translated as 'to ease the heart'. The custom appears to be more common in Western Nuer than elsewhere.

[2] The word *math* means 'friendship' in the most intimate sense. It is used by Nuer to describe the institution of close friendship which is common. A Nuer will talk of *math-da*, 'my friend', meaning a person with whom he has an altogether special relationship—a voluntary association with another man outside the normal ties of kinship. The ceremony therefore expresses the idea of reintegration on the most intimate plane, and after its performance even the latent hostility which persists after settlement of a blood-feud in normal cases should disappear.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

Leopard-Skin Chief then performs certain ritual acts to remove all fear of future contamination between the two groups and to remove the taboo on eating together. A bull called *yang tul coka* is sacrificed and ceremonially divided between the *ji ran* and the *ji thunge*, who partake together of its meat. This ceremony was even more rarely performed than the *cuil*, though instances of its occurrence in the past are quoted, but in all cases the parties were closely related in the lineage system and occupied adjacent territory.

628 624 783

Terminology of Cattle Paid as Compensation

A list of cattle paid in compensation, sacrificed by the Leopard-Skin Chief, or paid to him as fees, is as follows:

628 624 192

ruath birre: 'the bull-calf of blood-letting', the bull-calf sacrificed at the ceremony of letting the killer's blood.

yang kweini or *yang jal:* 'the cow of the journey', paid by the *ji thunge* to the Leopard-Skin Chief early in the proceedings as a reward for his services in going backwards and forwards between the two parties.

yang jyup: 'the cow of the axe', a cow given to the *buthni* relatives of the *ji ran* by the *gwan buthni* of the *ji thunge*. *Buthni* relatives are representatives of a collateral branch of the lineage (*thok dwiel*), so that this transaction extends the processes of appeasement and compensation beyond the more immediate kinsmen of the killer and the killed to their lineages as a whole. The solidarity of the patrilineal descent group is thus emphasized, and the way in which all persons within it are involved is publicly acknowledged. Traditionally the *yang jyup* should be the first cow to be handed over.

ruath kethe: 'the bull-calf of the gall-bladder', a bull-calf speared by the Leopard-Skin Chief at the actual ceremony of handing over the compensation cattle. It is subsequently eaten by the *ji ran* as a sign that they have accepted the compensation.

tut ghok: 'the bull of the herd', a bull sacrificed by the Leopard-Skin Chief and partaken of by the *ji ran*—a sacrifice to ensure that they will not be contaminated by drinking the milk of the cows included in the compensation.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

ruath riem and *yang kwac*: 'the bull-calf of the blood' and 'the cow of the Leopard-Skin'. These cattle are chosen from among the indemnity by the Leopard-Skin Chief and retained by him as fees, though the *ruath riem* is usually given to his personal assistant.

ghok pale loic: 'the cattle of the easing of the heart'. These consist of the *yang tuoke*, 'the cow of the cooking-pot' (*tok*), and a cow-calf referred to as *yang cak*, 'the cow of the milk', which are given to the dead man's mother as a token of her services in cooking for him and suckling him. The terms also bring out incidentally the idea that the ban on eating and drinking together has now been removed.

yang tul coka: 'the cow of the broken bone'. This is usually a bull or a barren cow sacrificed at either the *cuil* or *math* ceremony, divided, and partaken of by the *ji ran* and *ji thunge* together. This sacrifice is held to remove all fear of spiritual contamination in the future.

Rates of Compensation

Traditionally among most Nuer tribes, the number of cattle demanded as compensation for homicide was 40. A few tribes state that 50 were demanded for death caused by an injury from a fighting-spear (*mut*) and 40 for death caused by a wound from a fish-spear (*bith*) or a stick (*ked*) or by some other means. The use of a fighting-spear implies full intent and possibly a degree of premeditation since a fighting-spear has no other use. Moreover, to the Nuer, the probable consequence of a thrust with a spear is death, whereas use of the stick usually results in an injury which is not fatal. I do not know why a fish-spear is considered in the same category as a stick. It is, of course, essentially an economic tool rather than a weapon, but fish-spears are normally carried and used in war. It must be assumed that the use of a fighting-spear was considered a greater wrong and that a higher rate of compensation was demanded simply because the reaction of indignation was more intense. The rates of compensation were at one time reduced in some Nuer Districts to 20 head of cattle instead of 40 or 50, and there is now no distinction made according to the weapon used. As we shall see later, the indemnity is now standardized at 30 head of cattle, of which 10 go to the Government as a fine.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

mainly to provide the dead man with a wife. Other claims must be met first. Of the forty head of cattle some go to the kinsmen in the manner already described, others go to the Leopard-Skin Chief and his assistants, still others are sacrificed, so that only between twenty and thirty are left for the 'ghost-marriage'. These are normally kept until they increase sufficiently to reach the mark of current bride-wealth, and may then be supplemented by other cattle to which the dead man would have had a claim were he alive. Nevertheless Nuer feel that the two payments should be equal; a life for a life or a wife for a life, a logical equation which is entirely consistent with the principles of their customary law.'

Observations on the Effects of Government Policy

Nuer are able to quote instances where compensation was paid and blood-feuds settled in the past before the advent of the present Government, but this does not mean that every case, or even the majority of cases, was settled. There is no doubt that blood-feuds, especially between tribal segments remotely related in terms of space and kinship, often continued for many generations, and the tradition of such feuds is still a source of political friction and a problem which faces the Administration today. Even when compensation has been paid and the ceremonies of composition performed the feud may break out again with renewed vigour. Generally speaking, the nearer the social relationship of the opposed groups, the greater the likelihood of permanent settlement. This observation applies theoretically, but only in the sense that in the initial stages feuds between less closely related groups were more likely to continue and no action be taken to bring about an agreement. In fact, they do not often continue nowadays because the Government intervenes and acts as a purely artificial and new medium through which hostile groups are brought together. Paradoxically enough, it is nowadays often the case that feuds between closely related groups are the most difficult to deal with. The reason is, I think, that feelings of hostility receive the permanent reminder of almost daily communication, while the primary sanction for composition, the threat of aggressive action by other groups, is much modified by the action of the Government in maintaining the peace.

The concept of punishment of the individual for offences which we, but not the Nuer, regard as criminal is another innovation which has had widespread repercussions. In cases of homicide capital punishment is sometimes inflicted and imprisonment or fine or both are always applied. Further, in cases of major conflict, fines are sometimes exacted on a collective basis, and in any case, even if the fine is inflicted on the individual culprit, it amounts to collective punishment because in Nuer society the principles governing mutual assistance in

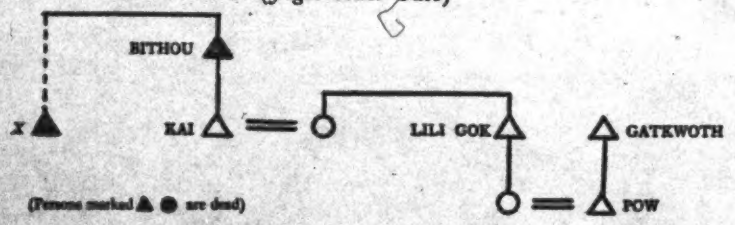
8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

elaborate precautions against such a contingency are taken at the wedding ceremonies. By previous enquiry and by public invocation of the names and distinctions of the clan at all stages of the process of marriage great care is taken to avoid a breach of the rules of exogamy. There is no great condemnation of extra marital sexual relations with distant clanswomen, and the degree of disapproval and of the severity of the consequences is relative to the position in the kinship structure of the persons concerned. The prohibition of a legal union in such circumstances is more constant, and the discovery of any kinship tie which would normally be an impediment to marriage nearly always necessitates dissolution. There are ritual means by which the contamination may be neutralized, but the risk involved in the continuance of permanent union would be considerable, for the Nuer do not consider that the ritual is infallible.

Blood-Feuds

There are other circumstances which may be a bar to marriage. Nuer will say that there is 'blood between' certain lineages: *teke riem kamdien*, meaning not blood in the sense of kinship, but the spilling of blood and therefore latent hostility derived from a past and unsettled feud. This is not necessarily a serious bar to marriage, and presumably depends on the feelings of the people concerned. Yet if a marriage does take place in such circumstances, and is followed by disasters in the form of sickness and mortality among the children, the existence of a feud between the lineages will often be given as the cause. Yet marital relationships are a means through which blood-feuds can be amicably composed, for unless the indignation is exceedingly intense, the opposed groups will not wish to break with each other if linked by the many ties raised by intermarriage. Dissolution of marriage on these grounds is rare, and I am able to quote only one example:

Kai Bithou v. *Lili Gok* (*Jagei Nuer Case*)



Kai Bithou married Lili Gok's sister. A man called Pow Gatkwoth then married Lili's daughter. Previously Pow's father Gatkwoth had killed a close

of dispute. The spiritual danger involved is sufficient sanction for the immediate dissolution of the union and the return of all the cattle, or, alternatively, for the performance of ritual to break all kinship between the parties (*dak mara*).

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

586 628 kinsman of Kai's (*x*). Kai then claimed dissolution of marriage on the grounds that there was 'blood between them'. On appeal the court was divided. The minority were of the opinion that dissolution was essential; the majority ruled that, since compensation had been paid for the act of homicide and the feud settled by the Leopard-Skin Chief, no bar to marriage existed. It will be noted that Lili's family are not involved in the feud, and Kai's contention is that Lili, by marrying his daughter into a family who are concerned, has brought himself within the range of the impediment. At the same time Gatkwoth was the actual killer of *x*, not merely an agnatic kinsman of the killer, which intensifies the feeling of indignation.

In this particular case, it is doubtful whether Kai wanted a divorce merely because of these circumstances, or whether the 'blood between them' provided a reasonable excuse for a divorce which he desired for other reasons.

For this reason it is safe to conclude that, although the existence of a feud is considered a serious bar to marriage, the action taken in such circumstances depends largely on the actual relationship in the kinship structure (in this case extended to marital relationships) of husband and wife to the killer and the killed. It also depends on the actual terms on which the two families are living, for if neither party wishes for dissolution some means will be found of avoiding it.

Circumstances in which Divorce is Considered Impossible

586 Nuer consider that the dissolution of marriage, instituted by either party, is impossible if the wife has fulfilled her procreative obligations. Generally speaking, though this point is sometimes controversial, two living children constitute fulfilment in this respect. Three are always sufficient. This, as we have seen, applies also when the wife dies, and examples have been given to illustrate the point. Two further examples are recorded here, there being no difference except that both parties were living at the time of the dispute.

Riak Teng v. *Kuk Diet* (*Dok Nuer Appeal*)

Riak's sister was married to Kuk Diet, twenty-three head of cattle being paid as bridewealth. Kuk subsequently claimed a divorce on grounds of his wife's desertion. Original judgement was reversed by the appeal court on the grounds that two children had been born of the union. Riak was ordered to arrange the return of his sister to her husband.

Puot Teng v. *Biliu Banypiny* (*Lak Nuer Case*)

Puot married Biliu's sister. She bore him three children, and then deserted him for a man called Jany Mabor. Puot raised the case before the Lak (Kwacbot) court but the court ruled that no divorce was possible.

These are simple cases. A Nuer court will always attempt to bring about a reconciliation, but if this fails, which is often the case, the woman continues to live with her lover, her children and any born subsequently remaining those of her legal husband. There are, however, borderline cases which sometimes cause perplexity. In particular, the

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

from a man who has seduced his wife because six head of cattle is the accepted scale of compensation for adultery. Having acquired the cattle, he is in a better position to negotiate his terms with their owner. In some cases he may take more than his recognized due, for this will give him an extra lever to get the matter settled, but in most cases he will wish to settle the matter amicably so that he does not run the risk of having them stolen back from him. Some compromise will be reached. In many cases, provided the culprit has reasonable customary grounds for his action, i.e. if he has right (*cuong*) on his side, the owner of the cattle will not bother to resist and will readily agree to negotiate through some mediator, so that the transfer of the cattle may be socially recognized and not lead to blows between them. Moreover the closer the relationship between the man who takes the cattle and the owner, the more likely will it be that the former will have some legal justification for taking them. The expression, *ce yang-da kwal*, so common among Nuer, usually means that someone has seized the speaker's cattle in (according to the speaker) the mistaken opinion that he had a definite right to them.

Frequently the culprit knows that he has only a very thin excuse for taking them, and often removes himself and the cattle to some distance where the owner can get legal satisfaction only with difficulty, for whereas in his own community opinion will be against him, the people with whom he takes refuge are not interested and do not know the full implications of the case. If the injured party agrees that the culprit has a right to the cattle, peaceable negotiations will follow; if he does not, disputes may result between them which may or may not lead to blows. According to Professor Evans-Pritchard, a man will never steal a cow from a fellow tribesman merely because he wants one.

He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.[1]

This really comes under the heading of cattle-raiding, and depends on the current relations between tribes. If, as frequently happened in the past, tribes were technically at war with each other, then such cattle-raiding was considered a legitimate move in the course of war. Moreover, if a blood-feud existed and homicide cases remained unsettled, the seizure of cattle might have some legal justification behind it. Nuer tribes were not, however, always hostile, and the tribal boundaries did not imply such a rigid line of demarcation as to pre-

[1] Evans-Pritchard, *The Nuer*, p. 165. I quote this passage because it refers to conditions some twenty years ago when cattle raids were more common and, since legal remedies through the courts were less effective than they are nowadays, 'self-help' was not unusual.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

[624] 685 231 721 628

clude social relations and intermarriage. Moreover, a legal mechanism under the control of Leopard-Skin Chiefs existed whereby a state of war could be brought to an end when both sides were heartily sick of the endless danger and insecurity which such major feuds entailed. There are instances quoted in Nuer tribal history when these matters were settled, and though compensation for homicide was usually waived because of the large number of persons for whom compensation would be demanded on both sides, the illicit seizure of cattle was often assessed in the final count.

685 231 721 627

Therefore the seizure of cattle without legal justification, real or supposed, within a tribal community was extremely rare, and the stealing of cattle from other tribes was really an act of war. Raiding the Dinka, a legitimate Nuer prey, was something different. It was, however, extremely common for Nuer to 'take the law into their own hands' and wrest what they considered their just dues from their debtors without bothering to arrange peaceful negotiations through some mediator or, later, through the medium of established courts. In most cases this action was taken only if the defendant in the case was unwilling to negotiate. These observations apply largely to the past when no courts existed, or when they had not yet developed present standards of efficiency and effectiveness. Nevertheless Nuer still often seize cattle which they consider their just due.

Theft of Cattle

685 231

There are certain specific situations which fall within the true definition of theft: when cattle are taken or material possessions misappropriated without any real or supposed reason other than that the thief covets them. It has been mentioned that the word *kwal* applies generally to all situations when the rightful or wrongful seizure of stock or material objects takes place. There is a specific term in the Nuer vocabulary which is applied when stock or personal possessions are taken for no apparent reason other than that the thief wants them. That such a word exists at all and is used to describe these circumstances is evidence of the distinction. This word is *wuan*:[1] a man will say *ce yang-da wuan* or *ce yoka wuan*, 'he has stolen my cow', 'he has stolen my money', and in using this expression he implies that the culprit did so for no accepted reason.

Cases where a man steals cattle from his neighbours merely because he covets them are rare. He would not be able to hide the theft unless

[1] Two other words are worth mentioning here. The word *pec* is used to describe situations where superior force is used, e.g. when cattle are raided by a more powerful group from a weaker one and, nowadays, when the Government or local authorities seize cattle by force. The word *mac*, which also means theft or misappropriation, implies deprivation by fraud or cunning, i.e. swindling. *Wuan* also implies stealth or cunning.

10:Evans-Pritchard E-5 (1931-1936) 1940
FJ22 Nuer FJ22

619 of his non-membership of other groups of the same type which he 631 stands outside of, and he is likewise not a member of the same community in virtue of his membership of a segment of it which stands in opposition to its other segments. Hence a man counts as a member of a political group in one situation and not as a member of it in a different situation, e.g. he is a member of a tribe in relation to other tribes and he is not a member of it in so far as his segment of the tribe is opposed to other segments. In studying the Nuer political constitution, it is therefore essential that we

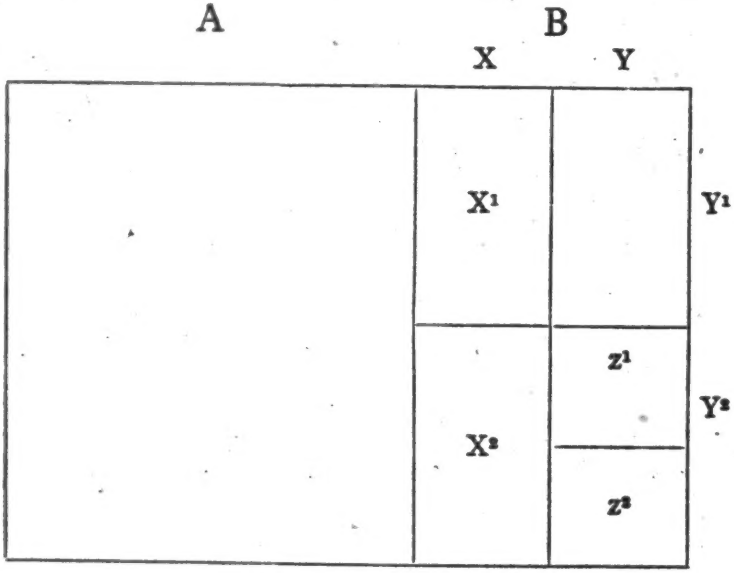


DIAGRAM No. II

view it together with those of their enemies as a single political system, for the outstanding structural characteristic of Nuer political groups is their relativity. A tribal segment is a political group in relation to other segments of the same kind, and they jointly form a tribe only in relation to other Nuer tribes and to adjacent foreign tribes which form part of their political system, and without these relations very little meaning can be attached to the concepts of 'tribe' and 'tribal segment'. That the distinction and individuality of a political group is in relation to groups of the same kind is a generalization that embraces all Nuer local communities, from the largest to the smallest.

628 The relation between tribes and between segments of a tribe

10:Evans-Pritchard E-5 (1931-1936) 1940
FJ22 Nuer FJ22

which gives them political unity and distinction is one of opposition. Between tribes, or federations of tribes, and foreign peoples this opposition is expressed, on the Nuer side at any rate, by contempt and persistent raiding, often carried out in a reckless and brutal manner. Between Nuer tribes, opposition is expressed by actual warfare or by acceptance that a dispute cannot, and ought not, to be settled in any other way. In intertribal warfare, however, women and children are neither speared nor enslaved. Between segments of the same tribe, opposition is expressed by the institution of the feud. A fight between persons of the same village or camp is as far as possible restricted to duelling with clubs. The hostility and mode of expression in these different relations varies in degree and in the form it takes.

Feuds frequently break out between sections of the same tribe and they are often of long duration. They are more difficult to settle the larger the sections involved. Within a village feuds are easily settled and within a tertiary tribal section they are concluded sooner or later, but when still larger groups are involved they may never be settled, especially if many persons on either side have been killed in a big fight.

A tribal section has most of the attributes of a tribe: name, sense of patriotism, a dominant lineage, territorial distinction, economic resources, and so forth. Each is a tribe in miniature, and they differ from tribes only in size, in degree of integration, and in that they unite for war and acknowledge a common principle of justice.

The strength of the sentiment associated with local groups is roughly relative to their size. Feeling of unity in a tribe is weaker than feeling of unity within its sections. The smaller the local group, the more the contacts its members have with one another and the more these contacts are co-operative and necessary for the maintenance of the life of the group. In a big group, like the tribe, contacts are infrequent, short, and of limited type. Also the smaller the group the closer and the more varied the relationships between its members, residential relations being only one strand in a network of agnatic, cognatic, and affinal relationships. Relationships by blood and marriage become fewer and more distant the wider the group.

It is evident that when we speak of a Nuer tribe we are using a relative term, for it is not always easy to say, on the criteria we have used, whether we are dealing with a tribe with two primary

10:Evans-Pritchard E-5 (1931-1936) 1940
FJ22 Nuer FJ22

system and the age-set system are both consistent in themselves and to some extent overlap, but they are not interdependent.

V. Feuds and other Disputes

The political system operates largely, we think, through the institution of the feud which is regulated by a mechanism known as the 'leopard-skin chief', a title we retain, although the appellation of 'chief' is misleading. This person is one of those specialists who are concerned, in a ritual capacity, with various departments of Nuer social life and of nature. Leopard-skin chiefs belong to certain lineages only, though not all members of these lineages utilize their hereditary ritual powers. In most of Nuerland, the lineages are not branches of dominant clans.

When a man has killed another, he must at once go to a chief, who cuts his arm so that the blood may flow. Until this mark of Cain has been made, the slayer may neither eat nor drink. If he fears vengeance, as is normally the case, he remains at the chief's home, for it is sanctuary. Within the next few months the chief elicits from the slayer's kin that they are prepared to pay compensation to avoid a feud and he persuades the dead man's kin that they ought to accept compensation. During this period neither party may eat or drink from the same vessels as the other and they may not, therefore, eat in the home of the same third person. The chief then collects the cattle—till recently some forty to fifty beasts—and takes them to the dead man's home, where he performs various sacrifices of cleansing and atonement. Such is the procedure of settling a feud, and before the present administration it had often to be used, for the Nuer are a turbulent people who esteem courage the highest virtue and skill in fighting the most necessary accomplishment.

In so brief a description, one may give the impression that the chief judges the case and compels acceptance of his decision. Nothing could be further from the facts. The chief is not asked to deliver a judgement: it would not occur to Nuer that one was required. He appears to force the kin of the dead man to accept compensation by his insistence, even to the point of threatening to curse them, but it is an established convention that he shall do so, in order that the bereaved relatives may retain their prestige. What seems really to have counted were the acknowledgement of community ties between the parties concerned, and hence of the

10:Evans-Pritchard E-5 (1931-1936) 1940
FJ22 Nuer FJ22

628 624 moral obligation to settle the affair by the acceptance of a traditional payment, and the wish, on both sides, to avoid, for the time being at any rate, further hostilities.

628 A feud directly affected only close agnatic kinsmen on both sides. One did not avenge oneself on cognates or on distant agnates. Nevertheless, we believe that the feud had a wider social connotation and that therein lies its political significance. We must first recognize that feuds are more easily settled the smaller the group involved. When a man kills a near kinsman or a close neighbour, the matter is quickly closed by compensation, often on a reduced scale, being soon offered and accepted, for when a homicide occurs within a village general opinion demands an early settlement, since it is obvious to every one that were vengeance allowed corporate life would be impossible. At the other end of the scale, when a homicide occurs between primary or secondary sections of a tribe, there is little chance of an early settlement and, owing to distance, vengeance is not easily achieved, so that unsettled feuds accumulate. Such homicides are generally the result of intertribal fights in which several persons are killed. This not only increases the difficulty of settlement, but continues between the sections the mutual hostility that occasioned the fight, for, not only the close agnatic kinsmen of the dead, but entire local communities are involved. Feud, as a choice between direct vengeance and acceptance of compensation, without the necessity of immediate settlement, but requiring eventual conclusion, is especially a condition that flourishes between villages of the same district. The kinsmen of the dead man are near enough to strike at the kinsmen of the slayer and far enough from them to permit a temporary state of hostility between the local communities to which the parties belong. For whole communities are of necessity involved, though they are not subject to the rigid taboos that a homicide imposes on close agnatic kinsmen of slayer and slain, nor are they threatened with vengeance. Nevertheless, their members are, as a rule, closely related by cognatic or affinal ties to the principals and must assist them if there is an open fight. At the same time, these communities have frequent social contacts, so that eventually the mechanism of the leopard-skin chief has to be employed to prevent their complete dislocation. The feud thus takes on a political complexion and expresses the hostility between political segments.

10:Evans-Pritchard E-5 (1931-1936) 1940
FJ22 Nuer FJ22

The balanced opposition of political segments is, we believe, largely maintained by the institution of the feud which permits a state of latent hostility between local communities, but allows also their fusion in a larger group. We say that the hostility is latent because even when a feud is being prosecuted there is no uninterrupted endeavour to exact vengeance, but the kinsmen of the dead may take any opportunity that presents itself to accomplish their purpose; and, also, because even when compensation has been accepted the sore rankles and the feud may, in spite of settlement, break out again, for Nuer recognize that in sentiment a feud goes on for ever. The leopard-skin chief does not rule and judge, but acts as mediator through whom communities desirous of ending open hostility can conclude an active state of feud. The feud, including the role played in it by the chief, is thus a mechanism by which the political structure maintains itself in the form known to us.

The leopard-skin chief may also act as mediator in disputes concerning ownership of cattle, and he and the elders on both sides may express their opinion on the merits of a case. But the chief does not summon the defendants, for he has neither court nor jurisdiction and, moreover, has no means of compelling compliance. All he can do is to go with the plaintiff and some elders of his community to the home of the defendant and to ask him and his kinsmen to discuss the matter. Only if both sides are willing to submit to arbitration can it be settled. Also, although the chief, after consultation with the elders, can give a verdict, this verdict is reached by general agreement and in a large measure, therefore, arises from an acknowledgement by the defendant's or plaintiff's party that the other party has justice on its side. It is, however, very seldom that a chief is asked to act as mediator, and there is no one else who has authority to intervene in disputes, which are settled by other than legal methods.

In the strict sense of the word, the Nuer have no law. There is no one with legislative or juridical functions. There are conventional payments considered due to a man who has suffered certain injuries—adultery with his wife, fornication with his daughter, theft, broken limbs, &c.—but these do not make a legal system, for there is no constituted and impartial authority who decides on the rights and wrongs of a dispute and there is no external power to enforce such a decision were it given. If a man has right on his side, and, in virtue of that, obtains the support of his kinsmen and

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

619 621 682 628

considerably within the tribe itself according to the size of the section concerned. The smaller the sections involved the greater the control, the larger the sections involved the smaller the control. Thus it is easier to settle a dispute between two villages of the Leng tertiary section of the Lou tribe than between one village of the Leng tertiary section and another village of the Nyarkwac tertiary section (*see* sketch map No. III). This is due to closer local cohesion in the first case than in the second and to closer relationship among the dominant clan element throughout the Leng section than between this element and the corresponding element in the Nyarkwac section. In the same way the Nuer say that there is more likelihood of settling a dispute between fighting factions of Gaatbal and Rumjok secondary tribal sections (*see* sketch map No. III) than between Gaatbal and Jemac secondary tribal sections, since Gaatbal and Rumjok both form part of the same primary tribal section of Gun while Jemac forms part of a different primary tribal section, the Mor. In this case also the dominant elements of Gaatbal and Rumjok sections belong to the same clan while the dominant element of Jemac section belongs to a different clan (*see* diagram No. V). Doubtless this is a statement of general tendency or principle and is, in actual practice, subject to many exceptions due to the special circumstances of the dispute and the genealogical relationship of the parties involved in it.

In kindly criticism[1] of the paper which I read before the British Association Mr. Coriat takes exception to my regarding settlement of disputes among tribesmen as a characteristic of tribal organisation. He points out that "in the past acts of homicide as between members of different Nuer tribes were dealt with by leopard skin chiefs in the same way as with members of tribal groups." I do not wish to pit my slight experience of the Nuer against the great knowledge and long experience of Mr. Coriat. Doubtless many homicide cases between members of different tribes were settled by leopard-skin chiefs. Among all peoples there is a wide divergence between theories of social life and actual social practice. I can only urge that I was constantly told as a legal rule or principle by the Nuer themselves, however little this may accord with actual practice, that among all Lou tribesmen there was *cut* (compensation for homicide) whereas there was no *cut* between Lou

[1] Privately circulated.

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

619 and Gaawär or between Lou and Gaajok. In Gaajok country I was
621 also repeatedly informed that there was *cut* between all Gaajok tribesmen,
682 but no *cut* between them and Gaagwang or Gaajak tribesmen. It is
628 true that tribes are not water-tight compartments. People moved all
[581] over Nuerland with remarkable freedom and there are strong social bonds
[614] uniting people with members of tribes other than their own, particularly the bonds of marriage (there has always been interchange of daughters between Lou and Gaajok, for instance) and the bonds of clanship (the dominant elements in Gaajok and Gaajak tribes, for example, belong to the same clan since they are all descended from the same ancestor, Kir. Also lineages of the same clan are scattered far and wide among a dozen different tribes, but still recognise their kinship in spite of their territorial disintegration). Nevertheless, the declarations of Nuer on this point must have some significance, and I consider it well to record my own impressions from their verbal statements, together with Mr. Coriat's criticism. The point is important, but not overwhelmingly
619 so. What is of greater significance is that each tribe has its own tribal
624 officials who regulate disputes among tribesmen in so far as their ritual functions allow them to do so. The Lou leopard-skin chiefs regulate disputes among Lou tribesmen and Gaajok leopard-skin chiefs regulate disputes among Gaajok tribesmen. In virtue of his sacred character a leopard-skin chief (or land expert) can perform his ritual functions irrespective of tribal boundaries, but in the nature of things one does not summon a leopard-skin chief from Gaajok country to function in Lou country, but each district of Lou country has its regular experts who perform whatever services are required of them by fellow tribesmen of their section.

619 (4) Tribesmen unite for defensive and offensive warfare against
721 other tribes and segments of other nations. Messengers summoned
648 Lou tribesmen from all over the tribal area for a combined raid on the Dinka and those who wished to take part in the raid answered the summons. In such expeditions there was a truce to disputes within the tribe itself and temporary tribal solidarity was attained. Mr. Coriat points out to me, with some justice, that "it is incorrect to state that the tribe is the largest political unit within the nation. Their history can show many instances where two or more tribes have combined in common offence and defence. As an example, Lou and Jekany against the Anuak,

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

In the same manner diagram No. III shows the primary sections of the Gaagwang tribe and the primary and secondary sections of the Gaajak and Gaajok tribes. These are presented as accurately as my knowledge permits, but anyone acquainted with the difficulties of unravelling the complex system of Nuer tribal divisions will not be surprised if he discovers sections which he knows under different names or others which he may think should not have been omitted. I do not know for sure what are the secondary tribal sections of the Gaagwang tribe.

DIAGRAM No. III.
EASTERN JEKANY TRIBES.

	GAAJOK tribe.	GAAGWANG tribe.	GAAJAK tribe.	
LAANG prim. sect.	Thiur sec. sect. Dwong sec. sect. Kwith sec. sect.	GAATCIKA prim. sect.	nyayan sec. sect. cany sec. sect. wau sec. sect.	GAAGWONG prim. sect.
WANGKAC prim. sect.	Minyâăl sec. sect. Wang sec. sect. Nyathol sec. sect.	NYINGER prim. sect.	kŏng sec. sect.[1] col sec. sect. dhilleak sec. sect.	RENG prim. sect.
YOL prim. sect.	Pwot sec. sect. Kwal sec. sect. Ylic sec. sect. Cam sec. sect. Kwul sec. sect.	NYAANG prim. sect.	tar sec. sect. kang sec. sect. lony sec. sect.	THIANG prim. sect.

Each of these tribal sections possesses the characters of the tribe itself, but more intensified. Each has its name, but the smaller the segment the stronger the sentiment associated with it. Each has a territorial basis, but the smaller the segment the more compact the territory, the more contiguous its members. Just as the tribe itself is crystallised around a clan so each segment is crystallised around a lineage of the clan and the smaller the segment the closer the relationship between members of this kinship nucleus. As I have said before, the smaller the area the greater the social cohesion.

Each of these segments is a political group and an economic group. As a political group it unites for warfare. The principle of unity is as

[1] Also called Tiek and Yaar.

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

619 follows (*see* diagram No. II). Leng tertiary tribal section may fight Nyark-
631 wac tertiary tribal section, and in fact there has been a long feud between
628 the two, but, in theory, according to my informants, if there is a row between Gaatbal secondary tribal section and Rumjok secondary tribal section, Leng and Nyarkwac will unite against the common enemy Rumjok which recruits from the several segments into which it is divided. On the other hand, if there is a fight between the Mor and Gun primary tribal sections, Rumjok and Gaatbal will unite against the combined Mor sections of Gaaliek, Jemac, and Jaajoah. This division of forces is based on the double principle of social cohesion, territorial contiguity and kinship. The Mor sections all live in one part of Lou country and the Gun sections all live in another part of Lou country (*see* sketch map No. III). The dominant lineages of the Mor sections are related closely to each other, while the dominant lineages of the Gun sections are also on their side closely related. However, I was told that in a row of this kind between Gun and Mor primary sections every effort would be made to turn the combat into a harmless armed demonstration (like so much of Nuer combativeness) rather than a regular pitched battle. My informants said that if no one were killed in the preliminary skirmishes the older men would get together and arrange for compensation to be paid for the offence which occasioned the rupture—generally a dispute about the ownership of cattle.

619 When a raid into Dinka country was organised Mor and Gun would
721 both contribute warriors to the expedition, since both sections belong to the same tribe and since their dominant lineages are united by kinship bonds.

619 A similar principle was supposed to operate among the Jekany (*see*
628 diagram No. III). Thus Minyäal, Wang and Nyathuol would combine
631 against Yol. Also Thiur, Dwong and Kwith sections would unite for purposes of warfare. The primary tribal sections were frequently at strife with one another, and in these feuds we again see how closeness of contiguity and kinship are the deciding factors in the combinations. Thus my informants said that Wangkac and Yol will unite for war against another section since the ancestors of the dominant lineages of both sections were sons of the same mother (Nyalieth, wife of Ken, son of Majok). According to this principle Wangkac, Laang and Yol ought to combine against the Gaajak tribe.

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

However this may have been in theory, in practice these tribal sections were largely autonomous groups and acted as such in their enmities and alliances. At one time they would be fighting among themselves and at other times they would combine against a third party, though the combinations were not as regular, and simple as they were explained to me and as I have stated them on paper. I am extremely ignorant about the history of feuds among sections of the Lou and Jekany tribes and I record here the slight data I possess on the subject. I have already referred to the feud between sections Leng and Nyarkwac of the Lou tribe. This springs out of an earlier feud between sections Thiang and Yol which once formed sub-sections of Nyarkwac. The ancestors of the dominant lineages in the Leng and Yol sections were brothers, whereas the ancestor of the dominant lineage of the Thiang section stood to these brothers in the relation of sister's son. For a long while the Yol and Thiang sections lived peaceably together, but about thirty or so years ago a feud broke out between them and the Thiang section fled, defeated, to seek protection among the Leng section. The Yol sent messengers to the Leng telling them that they were not to receive their enemies or give them a home in their country. The Leng section replied that the ancestor of the LENG lineage was the maternal uncle of the ancestor of the THIANG lineage and that they could not refuse asylum to their sister's sons. This attitude involved Yol (Nyarkwac) in a second feud, this time with a combination of Leng and Thiang.

In Gaajok country the Yol primary tribal section joined the Gaagwang tribe (who seem to have identified themselves so much with the Gaajok tribe that we may almost speak of them as a single tribe separated from the Gaajak by the wide Macar swamps) against several (if not all) sections of the Gaajak tribe. I have a note that Yol fought Nyayan while Gaagwang fought Reng and Kang sections.

It appears that about half a century or more ago the Laang and Wangkac primary sections of the Gaajok tribe were involved in a long feud and that there was warfare between the Yol and Wangkac sections. In the course of this warfare Yol were assisted by their allies the Gaagwang tribe and together they defeated the Wangkac so heavily that they moved to the far south along the Pibor river in the neighbourhood of Beirland. Here they say that they were attacked by " Turuk " and fled north again

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

to the site of their old homes but were then too exhausted to resume their feud with the Yol section.

Another recent feud in Lou country was, I believe, that between Falkir and Nyajekany tertiary sections of Rumjok primary section, and there have been others between various sections of the Mor moiety, particularly between two sections of the Jimac[1].

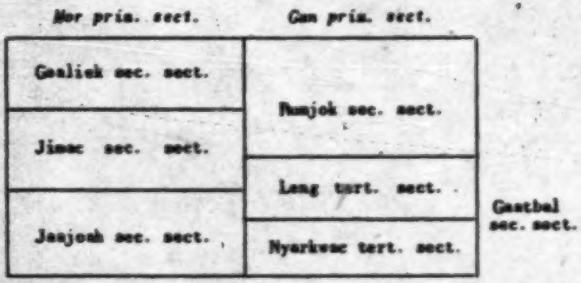
The commonest occasions of feuds are probably related to economic activities. One section pastures its cattle on grazing grounds over which another section has rights of ownership—rights, as we shall see later, which derive from clan heritage and are divided among the chief lineages of the clan; or men of one section attempt to water their cattle at the wells of their neighbours; or there is conflict over fishing rights. For a tribe is an economic group and so is each of its sections. This is shown in map No. V, for which, together with map No. IV, I am indebted to the industry of Mr. C. L. Armstrong. The curved lines show areas of permanent villages of the Gaagwang tribe and the main sections of the Gaajok and Gaajak tribes, while the straight lines show the area of their dry season encampments. Map No. III was drawn up by myself after questioning Lou tribesmen and is intended to give an idea of the areas of the dry and wet season occupation of the Lou, but I was unable to visit more than a fraction of the area in person. It is, therefore, not likely to be so accurate as Mr. C. L. Armstrong's map of distribution. Both maps show the annual movement of the sections from their permanent villages to their annual watering places and pastures in the dry season. The whole of Nuer life follows the rhythm of the seasons. I will describe this rhythmic movement as briefly as possible as I hope to write a separate paper on Nuer economic life. The major parts of Jekany and Lou countries are huge, flat, treeless plains of cotton soil. Where there is a slight rise in the plain the spot is selected as the site of a permanent village consisting of well-built huts and cattle byres. Where there is a dip in the plain we find rivers, pools and swamps. The Sobat river begins to fall about December when the rains decline and as it falls it drains the streams into which it has emptied its waters earlier

[1] I take this opportunity to add a footnote to explain that I have not been consistent in my use of Nuer spellings for tribal sections and clan lineages. Thus a clan lineage may be called after a man called Kwe, but his descendants will be *geat* kwith and his village *ciang* kwith. A clan is called after a man yi and becomes *ciang* yie, or after yoal and becomes *ciang* yol. I fear that I have sometimes used the nominative and sometimes the genitive cases. Hence on Map No. V Yoal and Wangkeac may be read as Yol and Wangkac.

TERRITORIAL SEGMENTS

619 Nuer tribes are split into a number of segments. For example, the Lou tribe is segmented into Gun and Mor primary sections; Gun primary section is segmented into Rumjok and Gaatbal secondary sections and the Gaatbal secondary section into Leng and Nyarkwac tertiary sections. A tertiary section consists of a number of village communities. The diagram given by Evans-Pritchard to illustrate this tribal segmention is reproduced below.(1)

LOU TRIBE



All other Nuer tribes follow this pattern, although the degree of segmentation may vary according to the size of the tribal unit. The segments of a tribe have the same characteristics as a tribe, but the smaller the segment the stronger the sentiments of unity. Each segment of a tribe tends to have its own special dry-season pastures. Each segment in its turn has a segmented structure and there is opposition between its parts. Members of [721] any segment unite for war against adjacent segments of the same order and unite with these adjacent segments against larger sections. For example, if there is a fight between Mor and Gun primary sections Rumjok and Gaatbal (the secondary segments of Gun primary segment), will unite against the combined Mor secondary sections. Both primary sections (each comprising all their smaller segments) will unite against another tribe. This principle of segmentation and the opposition between segments is the same in every section of a tribe and even extends beyond the tribe.(2)

578 The Nuer distinguish between various types of hostility:
628
721

1. *Duac.* Individual duelling.
2. *Ter.* A feud within a tribe where compensation can be made.
3. *Kur.* A fight between tribes where no compensation can be made.
4. *Pec.* Raiding Dinka.

578 When a man conceives himself to have been wronged there is no court of law to which an appeal may be made. The only method of settlement is by a duel. Boys fight with spiked bracelets; men of the same village or camp

(1) Evans-Pritchard, *The Nuer*, 1940, p.139.
(2) *Ibid.*, p.143.

with clubs. Spears are not used between neighbours lest someone be killed and a blood feud started which will disrupt the community. No third person may intervene in these duels. 578

In fights between persons of different villages spears are used and every adult male takes part. Fighting occurs mainly between small tribal segments; only occasionally between primary segments or tribes. Feuds cannot occur except within a tribe for it is only in the tribal unit that a breach of law is recognised and the machinery for settlement exists. Between tribes settlement can only be effected by war. 628

THE SETTLEMENT OF A BLOOD FEUD

The slayer seeks sanctuary with the leopard-skin chief who will ritually cleanse him and make a sacrifice to protect him from the vengeance of the spirit of the slaughtered man and his kinsmen. Vengeance is the most binding obligation of paternal kinship. After an interval, negotiations for compensation are begun. In theory 40 to 50 cattle are paid; in practice ceremonies of atonement are performed when about 20 have been handed over. The cattle are distributed among the kin of the dead man and a certain number of them are used to secure a wife who will be married in the dead man's name. The leopard-skin chief receives two beasts, and the meat of the sacrifices, but in fact he often gets nothing and may have to help in paying the compensation. He also has the expense of keeping the slayer during the period before settlement. [783]

Feuds occurring between small groups are settled quickly, especially those within a village, where ties are so close that ordinary life would be completely disrupted if a blood feud were to continue for any length of time. It is much more difficult to settle a feud between persons of different tribal segments than between persons in the same tribal segment.(1)

Theoretically, all feuds in a tribe can be settled by compensation but this does not always occur in feuds involving primary tribal sections. If people are killed in a large-scale fight, compensation is not always paid nor revenge taken; kinsmen merely wait until the next fight occurs.

A feud arises only between two agnatic kin groups but, owing to the extent of kinship ties and local sentiment, a whole tribal section may support the lineage within it which is at feud with a lineage in another tribal section. The close association between territorial units and kinship units makes the feud an important aspect of inter-segment relationships.

HOSTILITY BETWEEN THE NUER AND DINKA

The Nuer and Central Dinka are very similar in culture and organisation, but they are ancient enemies and constantly raided each other in the past. The attack was usually made after the rains by the Nuer, who would establish a base in Dinka country and spend several weeks there raiding in all directions. The Dinka did not offer much resistance, merely attempting to flee to safety with their cattle. This constant raiding was partly due to lack of resistance, and the advantages of obtaining extra cattle, 721

(1) Evans-Pritchard, *The Nuer*, 1940, p.159.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

in the home of his parents-in-law they avoid offering him milk from the cattle he has paid them. Further, if there is a divorce and the bridewealth cattle are returned to the husband's people they sacrifice a goat before they drink of their milk.

Nuer 'respect with regard to food' unrelated people (*nei ti gwagh*) of the opposite sex, especially if they are unmarried and possible sweethearts. They will not eat with them or even see them, or be seen by them, eating and drinking, and food must not be mentioned when they are both present. The sexes, unless they are kin, avoid each other in the matter of food. Nuer feel so strongly about this avoidance that I was obliged to observe it strictly myself.

Another situation in reference to which one hears the word *thek* is homicide. I discuss it in greater detail in Chapter XII. A man who slays another respects water—he may not drink—until a priest has made sacrifice and cut his right arm. Then until the blood-feud is closed by payment of cattle and by sacrifices the kin of the slayer and the kin of the slain may not eat or drink from vessels from which the other has eaten or drunk. They respect the vessels and the food and water of the other party. Even to use the same vessels at the home of a third party who is in no way connected with the feud may entail the most serious consequences. A third party may cause death to one side or the other by eating or drinking with both.

Another use of the word *thek*, which, as always, contains the idea of avoidance, is in reference to burial and to mortuary sacrifices. Those who bury a corpse respect water—they may not drink—until they have been cleansed. Members of a dead man's age-set abstain from the meat of the cattle sacrificed at the ceremony held to close the period of mourning for him. They are said to respect the meat. It has been noted earlier (p. 55) that people may not eat or drink in the homes of close kin of a person struck by lightning before they have sacrificed. Another use is in connexion with the eldest child of a marriage. He respects the spoons of his parents and the sleeping-hide of his mother. He is careful not to eat with the first or sit on the second. Were he to do so he might cause the mother to be barren and injure the father, himself, and the cattle. A man is also said to respect his as yet unconceived children by abstaining from congress with his wife when she is menstruating[1]

[1] He is not said to *thek*, respect, his wife when she is menstruating. He

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

they happen to reside. Moreover, persons who do not belong to a priestly family can become priests, transmitting their powers to their children, by what the Nuer call *tetde*, by hand. This means that such a man is given a leopard-skin by a priest and told to carry out priestly services. In some myths of origin of the Jikany tribes the leopard-skin was given by the ancestors of the dominant lineages to their maternal uncles that they might serve as tribal priests. The structurally opposed lineages of the clan were then in the common relationship of sisters' sons to the line of priests, which thus had a mediatory position between them.[1] A layman is still today sometimes invested with the leopard-skin and the priestly powers that go with it, and I have known a Dinka chosen for the purpose. This in itself teaches us much about the way Nuer regard their priests. Priestly duties are tiresome and ill-rewarded, but somebody has to perform them. Nuer society is very far from being a hierocracy.

The chief services a priest performs are in connexion with homicide and the importance of his office derives from this essential function. Only he can perform these services,[2] which are to release the slayer from the state of extreme danger his act has placed him in and, where circumstances are such that an active blood-feud is likely to develop if a settlement is not reached, to give the slayer sanctuary, to negotiate a settlement, to perform sacrifice to enable normal social relations to be resumed, and to rehabilitate the slayer. All these functions, in addition to having a political significance, are also essentially religious acts or derive from the priest's sacred character.

As soon as a man kills another he hastens to the nearest priest, who draws the point of a fishing-spear down his right arm from where it joins the shoulder and sacrifices a beast, called *yang riem*, the cow of blood. Were the slayer to eat or drink before this has been done it would be serious *nueer* and cause certain death, for the blood which is drawn is thought to be in some way that of the slain man which has passed into him. If there is likelihood of blood-vengeance the slayer then takes sanctuary in the home of

[1] I recorded this fact in *Sudan Notes and Records* (1935, pp. 46–48), but I have only recently realized, in the light of Dr. Lienhardt's research among the Dinka, the significance of it.

[2] Except perhaps on such rare occasions as when a priest himself or one of his family is killed. I was told that then an elder of the aristocratic clan of the tribe might act in the priest's place.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

782 the priest, his family and cattle being dispersed to homes of kins-
793 men, leaving his homestead deserted. He will not be molested
628 there because of the sacred character of the priesthood. For the
783 same reason the priest and any who accompany him can move between the parties without fear and so conduct negotiations for settlement. It is essential that a blood-feud be settled if the parties to it live in the same neighbourhood, not only for reasons of security, but also on account of the serious danger both the dead man's kin and the slayer's kin are placed in by the homicide, a danger in which the whole community is involved. Settlement by payment of compensation (*cut*) to the family and kin of the dead man prevents them from taking vengeance and thus causing a further disturbance of social life. It also pacifies the ghost, who may trouble his family and kin if a wife is not soon married to his name with *ghok thunga*, cattle of blood-guilt. Consequently, even when a man is slain by a close paternal kinsman cattle, though fewer, have to be paid to provide him with heirs, and if vengeance is taken and a man on each side is killed compensation has to be paid for both so that their names may not be blotted out. The payment is rather for this purpose than to satisfy honour. Only vengeance can do that. This is why the kin, even when they are ready to accept compensation, at first refuse it, and why, even after acceptance, a feud is always liable to break out again. But neither consideration seems to weigh with Nuer so much as the need to rid themselves of the condition of *nueer*. This threatens chiefly the kin of the slain, but the kin of the slayer, the wives of both lots of kin, and all their neighbours are also subject to interdiction. If either side eats or drinks with the other or from vessels which the other has used the penalty is death, and it may be brought on kinsmen on either side by a person who belongs to neither party eating or drinking in the homes of both. This intolerable state of interdiction can only be ended by sacrifice by a priest when compensation has been paid, since it requires the consent of both parties. We have, therefore, to distinguish between the cattle paid to compensate the kin of the dead for their loss and to provide the ghost with a wife from those paid for sacrifice, just as we had to distinguish between the cattle paid in indemnity for adultery and the beast paid for sacrifice. This is shown by the fact that should a man kill his wife, though no compensation can be exacted and the question of providing heirs does not arise, he will hand over

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

782
793
628
783

to her kin the beasts required for sacrifice to get rid of the state of uncleanness resulting from the homicide. We have here to distinguish also the priest's role in making these sacrifices, which only he can perform and the performance of which is the essentially priestly role in blood-feuds, from the sanctuary he provides and the mediation he offers. The first is a sacramental act only a priest can perform; the others are acts he can perform because people, as we would say, have respect for the cloth. It is a distinction between priestly office and priestly status. In certain cases, as in those of accidental homicide, neither sanctuary nor mediation would be required of him; but it is always necessary that he makes the customary sacrifices if the state of *nueer* is to be ended, and it must be ended if the parties have to come into contact with each other in the course of their ordinary social life. Although today the Government exacts compensation for homicide and takes charge of the slayer, priestly sacrifice is still required before a blood-feud can be settled.

I am not certain about all the details of procedure in settlement of a blood-feud, and they probably vary from one part of Nuerland to another and even from one case to another, but the main, and usual, actions are as follows.[1]

When, usually after some months (the mortuary ceremony for the dead man having first been held), negotiations have been completed and the cattle brought together from the homes of the various kinsmen who have contributed to the payment the priest, accompanied by some of his kinsmen, and when relations are not too strained by a representative of the slayer's party, drives them to a place near the home of the dead man, where his kinsmen have gathered. When, after inspection, all are accepted they are tethered in a neighbouring homestead as they may not enter the kraal of the dead man's family till sacrifices have been made. One of the oxen, called *yang ketha*, the cow of the gall-bladder, is consecrated by the priest, who then makes an invocation over it to God that the feud may be closed. In the course of it he addresses also the ghost of the dead man and tells him that his death has been paid for and that his kinsmen will marry a wife to his name to bear him a son. The priest then slays the victim and as soon as

[1] For a fuller account see H. C. Jackson, op. cit., pp. 102–4; my book *The Nuer*, pp. 152 seq.; J. P. Crazzolara, op. cit., pp. 106 seq.; and P. P. Howell, *A Manual of Nuer Law*, chap. ii.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

782 it has fallen the dead man's kin hack it to pieces in a wild scramble.
793 The gall-bladder is extracted and placed on one side. This is later
628 squeezed into a gourd containing water and a little milk and is
783 drunk by members of the dead man's family and paternal and maternal kin and, if one is present, by the representative of the slayer's party. The priest gives them also cleansing medicines, *wal nueera*, to drink. After this ceremony the parties can eat and drink together without risk, though if feelings have run high they are unlikely, for reasons of sentiment, to do so. Were at any time before it is performed a man inadvertently to break the interdiction a priest would be summoned to save his life by sacrifice and medicines.

Next day before sunrise the dead man's kin go to where the cattle of compensation have spent the night in a neighbouring homestead and sacrifice the one entire bull among them and cook and eat its flesh. The cattle may now be brought into the dead man's homestead and their milk drunk. Some of them are later distributed among the dead man's paternal and maternal kin while the rest are entrusted to relatives to look after, or are temporarily tethered in his kraal, until they are used to marry him a wife, the bride cohabiting with his brother. It is unlikely that all the cattle will have been handed over at the ceremony for closing the feud. The last ones to be paid, maybe years later, are the *ghok pale loc*, the cattle of relieving the heart, and a beast known as *yang tul coka*, the cow of the breaking of the bone, because after it is sacrificed one of its bones is held at either end by representatives of the two parties while the priest severs it in two. The left half of the bone is thrown away. The two parties then consume the flesh together. The earlier ceremony ended the state of *nueer*, and the purpose of this later ceremony seems to be to bring the parties into amity again. These final cattle may not be paid, and the final ceremony therefore not be held, if the parties to the feud do not strongly feel the need for a lasting settlement.

The state of feud, which is a state not only of social conflict but also of spiritual danger, was ended by the sacrifice of the *yang kethia*. But the priest still has a duty to perform, to bring the man who incurred the blood-guilt back into the life of the community. The cutting of his arm put him out of immediate and acute danger, but the death he has caused still clings to him till these final rites, which are like those which end a period of mourning.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

The priest and one or two of his kinsmen escort the slayer to his neglected home where huts and byre are in disrepair and grass has grown up in courtyard and kraal. He consecrates an ox, preferably a black one or one with black markings, utters an invocation to God, saying that compensation has been paid and sacrifice made to remove the state of feud and asking that the slayer may now rest in peace in his own home. He sacrifices the ox, known as *yang miem*, the cow of the hair, because afterwards he cuts the slayer's hair or a token lock of it. It has not been cut or tended since the homicide. The priest then starts to hoe up the weeds in the kraal, and he and his kinsmen to clean up the homestead. He also kindles fire with fire-sticks (*piec mac*), lights three fires, sacrifices a goat, removes its intestinal fat, and places a piece of it on each fire where the flames consume it. The slayer is now rid of the *thung*, the blood-guilt, and can repair his byre and huts and settle down to normal life.

The leopard-skin priest also conducts the taking of oaths. A Nuer may at any time lick a spear or metal bracelet as a sign that he is speaking the truth, and I was told that a man would not do so if he were lying, though he might pretend to lick it. But formal rites of purgation are conducted by a priest. If a man denies that he has killed another he undergoes an ordeal by drinking milk from the herd of the dead man handed to him by the priest in the presence of the dead man's kin. Should he be lying he would die of *nueer*. To kill a man and not to confess to the killing is a heinous offence in Nuer eyes because it puts the kin on both sides in jeopardy. In questions other than homicide, which would usually, I think, concern rights in cattle, the priest digs a hole, representing a grave, and accuser and accused either step over it or take hold of the shaft of the priest's spear placed above it as they make their declarations. Or the declarations are made by them as they sit on the priest's leopard-skin. The priest then utters an invocation over a tethered victim that whoever is lying will die. The late Mr. Hamer, who witnessed this rite, told me that the priest caught the blood of the beast, a goat, in a gourd and mixed it with earth scraped from the ground in front of the skin. He placed a lump of this mixture in the mouths of the two men, who chewed and swallowed it. They then stood up and, facing one another, stepped across the skin. In a text written by a Nuer at the American mission, and sent to me by Dr. Mary Smith, the priest first addresses

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

cedures. Any Nuer can pray to God to send rain, and his prayers may be supported by placing a sprig of the *nyuot* tree in water, though this is best done, together with sacrifice of one of the flock to *kwoth nyota*, spirit of the *nyuot* tree, by a member of the widely scattered Gaawar clan on account of their association with both rain and the tree (p. 72). Some Nuer said that a prophet's prayers and sacrifices for rain might be effective, and they seem to have had some faith in those of the prophet Gwek; but I found that in general Nuer showed little interest in the subject. They certainly do not think that anyone can 'make' rain. Whoever it may be, priest, prophet, member of the Gaawar clan, or just an ordinary person, he can only pray to God to send the rain. They say, 'There is nothing we can do if it does not rain. God has given us nothing [to make it]. We are merely ignorant folk.' When I urged that surely there was something they could do, a Nuer replied, 'Oh well, the leopard-skin priest may sacrifice a cow [probably a goat was meant] and pray to God for rain, and that is all; perhaps God will give it and perhaps he won't.' When I asked about Car, a well-known prophet, whether he could bring rain, I was told, 'Oh well, he will pray to his spirit [an air-spirit] and ask for rain, but that is all.'

In whatever circumstances a priest acts as intermediary between men and God the virtue which gives efficacy to his mediation resides in his office rather than in himself. Consequently, it does not matter what sort of person he is, socially, psychologically, or morally. The virtue derives from the office having been established by God at the beginning of things as part of the social order. Consequently the priest is a traditional public functionary thought of as having always existed and as representative of man, rather than of any particular men, to God in certain critical situations. Therefore when he invokes God at sacrifice he does so in phrases which recall the universal and enduring character of his role: '*Kwoth muonda*', 'Spirit of our earth', '*Kwoth Jagei*', 'Spirit of all the Nuer' (*Jagei* has here this sense), and '*Kwoth rieng gwari*', 'Spirit of the virtue of our fathers'.

When we examine the critical situations in which the priest is called upon to exercise his functions we see that the priesthood can be regarded either as a political institution functioning within a set of religious ideas and values or as a religious institution functioning within a set of political ideas and values. His essential and

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

793 628 distinctive role is that which he plays in homicide, that is to say, when two social groups, groups of kin and local and political groups, are in a state of violent opposition to each other and the whole community is involved in consequence, directly or indirectly, in a state of interdiction. He functions as administrator of oaths in a similar setting. The oaths either arise out of homicide or concern matters which may result in homicide. There are strong feelings of hostility between the parties; otherwise oaths, with their terrible consequences, would not be taken. Serious incest may provoke similar feelings, because, Nuer ideas about incest being what they are, the persons concerned in it may belong to different descent groups and, indeed, are for various reasons likely to do so. In situations of *nueer* in which hostile feelings are not aroused, as when twins are born or a person is killed by lightning, the head of the family or its master of ceremonies officiates. These are family and lineage affairs. So, whereas the *gwan buthni* acts in sacrifice on behalf of an exclusive social group, the leopard-skin priest for the most part performs sacrifices in situations in which two groups are opposed to one another and which therefore require a person unidentified by lineage attachment to either to act on behalf of the whole community. The priest thus has a central position in the social structure rather than in religious thought, for his priestly functions are exclusive not because, on account of the sanctity of his office, only he can perform sacrifices, but because representatives of neither party to a dispute can effectively act in the circumstances obtaining. As he entirely lacks any real political authority or powers it is understandable that he could not carry out his functions unless during their performance his person was sacrosanct. The presence of a priesthood adds nothing to the dominant ideas of Nuer religion. It is rather these ideas which give to a political role its necessary attributes. Put in another way, the Nuer have priests who perform certain politico-religious functions but their religion is not intrinsically a priestly religion.

613 793 231 Another hereditary and traditional functionary is the *wut ghok*, the man of the cattle, sometimes also spoken of as *kuaar ghok*, the 'priest' of the cattle, or *ring ghok*, the 'virtue' (literally, 'flesh') of the cattle. There are men of the cattle in every tribe and tribal section, and they belong to lineages of a number of different clans, all those I have come across being of true Nuer descent. As in the